











ACTS

AND

RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1909,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,  
LIST OF THE CIVIL GOVERNMENT, TABLES SHOWING  
CHANGES IN THE STATUTES, CHANGES OF  
NAMES OF PERSONS, ETC., ETC.

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# A CONSTITUTION OR FORM OF GOVERNMENT

FOR THE

Commonwealth of Massachusetts.

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## PREAMBLE.

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

Objects of  
government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic,  
how formed.  
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peace-

ably, without fraud, violence, or surprise, of entering into an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

## PART THE FIRST.

### *A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.*

Equality and natural rights of all men.

ARTICLE I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship. Protection therein.  
2 Cush. 104.  
12 Allen, 129.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession of sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendments, Art. XI. substituted for this.

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality; and as these cannot be generally diffused through a community but by the institution of the public worship of God, and of public instructions in piety, religion, and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for

Legislature empowered to compel provision for public worship;

the support and maintenance of public Protestant teachers of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children,

and to enjoin attendance thereon.

Exclusive right of electing religious teachers secured.

Option as to whom parochial taxes may be paid, unless, etc.

All denominations equally protected. 8 Met. 162. Subordination of one sect to another prohibited.

Right of self government secured.

Accountability of all officers, etc.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.



or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.

Objects of government; right of people to institute and change it.

VII. Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestable, unalienable, and infeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people to secure rotation in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office. For the definition of "inhabitant," see Ch. I, Sect. 2, Art. II.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

122 Mass. 595, 596.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.  
16 Mass. 326.  
1 Pick. 418.  
7 Pick. 344.  
12 Pick. 184, 467.  
16 Pick. 87.  
23 Pick. 360.  
7 Met. 388.  
4 Gray, 474.  
7 Gray, 363.  
14 Gray, 154.  
1 Allen, 150.  
4 Allen, 474.

Private property not to be taken for public uses without, etc.  
6 Cush. 327.  
14 Gray, 155.  
16 Gray, 417, 431.

1 Allen, 150.	103 Mass. 120, 624.	113 Mass. 45.	127 Mass. 50, 52,
11 Allen, 530.	106 Mass. 356, 362.	116 Mass. 463.	358, 363, 410, 413.
12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 428, 441.	129 Mass. 559.
100 Mass. 544, 560.	111 Mass. 130.		

Remedies, by recourse to the law, to be free, complete and prompt.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and



justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

107 Mass. 172, 180.  
108 Mass. 5, 6.

118 Mass. 443, 451.  
120 Mass. 118, 120.

122 Mass. 332.  
124 Mass. 464.

127 Mass. 550, 554.  
129 Mass. 559.

Prosecutions regulated.  
8 Pick. 211.  
10 Pick. 9.  
18 Pick. 434.  
21 Pick. 542.  
2 Met. 329.  
12 Cush. 246.  
1 Gray, 1.  
5 Gray, 160.  
8 Gray, 329.  
10 Gray, 329.  
10 Gray, 11.  
11 Gray, 458.  
2 Allen, 361.  
11 Allen, 238-240, 264, 439, 473.  
12 Allen, 170.  
97 Mass. 570, 573.  
100 Mass. 287, 295.  
103 Mass. 418.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial by jury in criminal cases, except, etc.  
8 Gray, 329, 373.  
103 Mass. 418.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

Crimes to be proved in the vicinity.  
2 Pick. 550.  
121 Mass. 61, 62.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

Right of search and seizure regulated.  
Const. of U. S., Amend't IV.  
2 Met. 329.  
5 Cush. 369.  
1 Gray, 1.  
13 Gray, 454.  
10 Allen, 403.  
100 Mass. 136, 139.  
126 Mass. 269, 273.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, etc.  
Const. of U. S., Amend't VII.  
2 Pick. 382.  
7 Pick. 366.  
5 Gray, 144.  
8 Gray, 373.  
11 Allen, 574, 577.  
102 Mass. 45, 47.

114 Mass. 388, 390.  
120 Mass. 320, 321.

122 Mass. 505, 516.  
123 Mass. 590, 593.

125 Mass. 182, 188.  
128 Mass. 600.

Liberty of the press.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil.  
5 Gray, 121.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Moral qualifications for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, etc., and reason thereof.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.  
8 Allen, 247.

XXIII. No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

*Ex post facto*  
laws prohibited.  
12 Allen, 421,  
424, 423, 434.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Legislature not  
to convict of  
treason, etc.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

5 Gray, 482.

Excessive bail  
or fines, and  
cruel punish-  
ments, pro-  
hibited.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be  
quartered in any  
house, unless,  
etc.

XXVIII. No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt  
from law-mar-  
tial, unless, etc.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Judges of su-  
preme judicial  
court.  
3 Pick. 471.  
1 Gray, 472.  
4 Allen, 591.  
7 Allen, 385.  
105 Mass. 219,  
221, 223.  
Tenure of their  
office.

Salaries.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Separation of  
executive, judi-  
cial, and legis-  
lative depart-  
ments.  
2 Cush. 577.  
2 Allen, 361.  
8 Allen, 247, 253.  
100 Mass. 282,  
286.  
114 Mass. 247,  
249.

116 Mass. 317.

129 Mass. 559.

## PART THE SECOND.

*The Frame of Government.*

Title of body  
politic.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

## CHAPTER I.

## THE LEGISLATIVE POWER.

## SECTION I.

*The General Court.*

Legislative  
department.

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

For change of  
time, etc., see  
amendments,  
Art. X.

The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May;] and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's  
veto.  
99 Mass. 636.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases,

Bill may be  
passed by two-  
thirds of each  
house, notwith-  
standing.



the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

3 Mass. 567.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same: whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

For exception in case of adjournment of the general court within the five days, see amendments, Art. I. General court may constitute judicatories, courts of record, etc. 8 Gray, 1. 12 Gray, 147, 154.

Courts, etc., may administer oaths.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to

General court may enact laws, etc. 9 Gray, 426. 4 Allen, 473. 12 Allen, 223, 237. 100 Mass. 544, 557. 116 Mass. 467, 470. may enact laws, etc., not repugnant to the constitution. 6 Allen, 358.

may provide for the election or appointment of officers. 115 Mass. 602.

may prescribe their duties.

General court may impose taxes, etc.  
 12 Mass. 252.  
 5 Allen, 428.  
 6 Allen, 558.  
 8 Allen, 247, 253.  
 10 Allen, 255.  
 11 Allen, 268.  
 12 Allen, 77, 223,  
 235, 238, 240,  
 298, 300, 312,  
 313, 500, 612.  
 98 Mass. 19.  
 100 Mass. 285.  
 101 Mass. 575,  
 585.  
 103 Mass. 267.  
 114 Mass. 388,  
 391.  
 116 Mass. 461.  
 118 Mass. 386,  
 389.  
 123 Mass. 493,  
 495.  
 127 Mass. 413.  
 may impose taxes, etc., to be disposed of for defence, protection, etc.  
 8 Allen, 247, 256.  
 Valuation of estates once in ten years, at least, while, etc.  
 8 Allen, 247.  
 126 Mass. 547.

this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities, whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

For the authority of the general court to charter cities, see amendments, Art. II.

## CHAPTER I.

### SECTION II.

#### *Senate.*

Senate, number of, and by whom elected. Superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXII.

ARTICLE I. [There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein; provided, that the number of such districts shall never be less than thir-

For provision as to councillors, see amendments, Art. XVI.

teen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councillors and senators, viz. : — Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes County and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

Counties to be districts, until, etc.

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the [first Monday in April,] for the purpose of electing persons to be senators and councillors; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word “inhabitant” in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home.

Manner and time of choosing senators and councillors. See amendments, Arts. X. and XV. As to cities, see amendments, Art. II. Provisions as to qualifications of voters, superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. Word “inhabitant” defined. See also amendments, Art. XXIII., which was annulled by Art. XXVI. 12 Gray, 21. 122 Mass. 595, 597.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name: and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purport

Selectmen to preside at town meetings.

Return of votes.

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January. See amendments, Art. X.

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

Plantation meetings. Time of election changed by amendments, Art. XV. Assessors to notify, etc.

Governor and council to examine and count votes, and issue summonses. Time changed to first Wednesday in January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

Senate to be final judge of elections, etc.,

of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the secretary's office seventeen days at least before the said [last Wednesday in May:] and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, seventeen days before the said [last Wednesday in May.]

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually [on the same first Monday in April], at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by [a majority of] voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as



pointed out in the constitution; and shall, [on the said last Wednesday in May] annually, determine and declare who are elected by each district to be senators [by a majority of votes; and in case there shall not appear to be the full number of senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz. : The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.]

of its own members.  
Time changed to first Wednesday of January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

Vacancies, how filled.  
Changed to election by people.  
See amendments, Art. XXIV.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Qualifications of a senator.  
Property qualification abolished.  
See amendments, Art. XIII.  
For further provision as to residence, see also amendments, Art. XXII.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

Senate not to adjourn more than two days.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

shall choose its officers and establish its rules.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place

shall try all impeachments.

Oath.

Limitation of sentence.

of honor, trust, or profit, under this commonwealth; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Quorum. See amendments, Arts. XXII. and XXXIII.

IX. [Not less than sixteen members of the senate shall constitute a quorum for doing business.]

## CHAPTER I.

### SECTION III.

#### *House of Representatives.*

Representation of the people.

ARTICLE I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representatives, by whom chosen. Superseded by amendments, Arts. XII. and XIII., which were also superseded by amendments, Art. XXI. 7 Mass. 523.

II. [And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative; every corporate town containing three hundred and seventy-five ratable polls may elect two representatives; every corporate town containing six hundred ratable polls may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.

Proviso as to towns having less than 150 ratable polls.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Towns liable to fine in case, etc.

And the house of representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Expenses of travelling to and from the general court, how paid. Annulled by Art. XXXV.

[The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.]

Qualifications of a representative.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at

least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.]

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the said town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

V. [The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

IX. [Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the

New provision as to residence. See amendments, Art. XXI.

Property qualifications abolished by amendments, Art. XIII.

Qualifications of a voter. These provisions superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. See also amendments, Art. XXIII., which was annulled by Art. XXVI. Representatives, when chosen.

House alone can impeach.

House to originate all money bills.

Not to adjourn more than two days.

Quorum. See amendments, Arts. XXI. and XXXIII.

To judge of returns, etc., of its own members; to choose its officers and establish its rules, etc.

May punish for certain offences. 14 Gray, 226.

house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

Privileges of members.

And no member of the house of representatives shall be arrested, or held to bail on mesne process, during his going unto, returning from, or his attending the general assembly.

Senate.  
Governor and council may punish.  
General limitation.  
14 Gray, 226.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Trial may be by committee, or otherwise.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

## CHAPTER II.

### EXECUTIVE POWER.

#### SECTION I.

##### *Governor.*

Governor.

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be — HIS EXCELLENCY.

His title.

To be chosen annually.  
Qualifications.  
See amendments, Arts. VII. and XXXIV.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; [and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds;] [and unless he shall declare himself to be of the Christian religion.]

By whom chosen, if he have a majority of votes.

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose, on the [first Monday of April] annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form

a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the [last Wednesday in May]; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said [last Wednesday in May]; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives on the [last Wednesday in May], to be by them examined; and in case of an election by a [majority] of all the votes returned, the choice shall be by them declared and published; but if no person shall have a [majority] of votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January by amendments, Art. X.

Changed to plurality by amendments, Art. XIV.

How chosen, when no person has a plurality.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Power of governor, and of governor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceeding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause

May adjourn or prorogue the general court upon request, and convene the same. As to dissolution, see amendments, Art. X.



happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.

As to dissolution, see amendments, Art. X.

Governor and council may adjourn the general court in cases, etc., but not exceeding ninety days.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Limitation.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution

granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

Governor and council may pardon offences, except, etc.

But not before conviction.  
109 Mass. 323.

IX. All judicial officers, [the attorney-general,] the solicitor-general, [all sheriffs,] coroners, [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

Judicial officers, etc., how nominated and appointed. For provisions as to election of attorney-general, see amendments, Art. XVII.

For provision as to election of sheriffs, registers of probate, etc., see amendments, Art. XIX. For provision as to appointment of notaries public, see amendments, Art. IV.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

Militia officers, how elected. Limitation of age struck out by amendments, Art. V.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor, the officers elected.

How commissioned.  
Election of officers.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Major-generals, how appointed and commissioned.

For provisions as to appointment of a commissary-general, see amendments, Art. IV.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elec-

Vacancies, how filled, in case, etc.

tions, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. Superseded by amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.]

Adjutants, etc., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Army officers, how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

Organization of militia.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

Money, how drawn from the treasury, except, etc. 13 Allen, 593.

XI. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, etc., to make quarterly returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall

exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged if insufficient.

## CHAPTER II.

### SECTION II.

#### *Lieutenant-Governor.*

ARTICLE I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be—His HONOR; and who shall be qualified, in point of [religion,][property,] and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of repre-

Lieutenant-governor; his title and qualifications. See amendments, Arts. VII. and XXXIV.

How chosen.

Election by plurality provided for by amendments, Art. XIV.

sentatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

President of council  
Lieutenant-governor a member of, except, etc.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

Lieutenant-governor to be acting governor, in case, etc.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

## CHAPTER II.

### SECTION III.

*Council, and the Manner of settling Elections by the Legislature.*

Council.  
Number of councillors changed to eight.  
See amendments, Art. XVI.

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

Number; from whom, and how chosen.  
Modified by amendments, Arts. X. and XIII.  
Superseded by amendments, Art. XVI.

II. [Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

If senators become councillors, their seats to be vacated.



III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

Rank of  
councillors.

IV. [Not more than two councillors shall be chosen out of any one district of this commonwealth.]

No district to  
have more than  
two.

Superseded by amendments, Art. XVI.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of  
council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute, all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exer-  
cise the power  
of governor in  
case, etc.

VII. [And whereas the elections appointed to be made, by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

Elections may  
be adjourned  
until, etc.

Order thereof.  
Superseded by  
amendments,  
Arts. XVI. and  
XXV.

## CHAPTER II.

### SECTION IV.

*Secretary, Treasurer, Commissary, etc.*

ARTICLE I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the pub-

Secretary, etc.,  
by whom and  
how chosen.  
For provision as  
to election of  
secretary, treas-  
urer and re-  
ceiver-general,  
and auditor and  
attorney-gen-  
eral, see amend-  
ments, Art.  
XVII.



Treasurer ineligible for more than five successive years.

lic accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

For provision as to appointment of notaries public and the commissary-general, see amendments, Art. IV.

Secretary to keep records; to attend the governor and council, etc.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

## CHAPTER III.

### JUDICIARY POWER.

Tenure of all commissioned officers to be expressed. Judicial officers to hold office during good behavior, except, etc. But may be removed on address.

ARTICLE I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Justices of supreme judicial court to give opinions when required. 122 Mass. 600. 126 Mass. 557, 561.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of the peace; tenure of their office. 3 Cush. 584.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

For removal of justices of the peace, see amendments, Art. XXXVII.

Provisions for holding probate courts. 12 Gray, 147.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

Marriage, divorce, and alimony. Other provisions made by law. 105 Mass. 327. 116 Mass. 317.

## CHAPTER IV.

### DELEGATES TO CONGRESS.

[The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room ; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth ; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to congress.

## CHAPTER V.

### THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, ETC.

#### SECTION I.

#### *The University.*

ARTICLE I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state ; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America, — it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled

Harvard College.

Powers, privileges, etc., of the president and fellows, confirmed.

to have, hold, use, exercise, and enjoy ; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college by some other description, under several charters, successively ; it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

All gifts,  
grants, etc.,  
confirmed.

III. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College ; and it being necessary, in this new constitution of government to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates ; it is declared, that the governor, lieutenant-governor, council, and senate of this commonwealth, are, and shall be deemed, their successors, who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard College ; provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

Who shall be  
overseers.

See Statutes,  
1851, 224.  
1852, 27.  
1859, 212.  
1865, 173.  
1880, 65.

Power of altera-  
tion reserved to  
the legislature.

## CHAPTER V.

## SECTION II.

*The Encouragement of Literature, etc.*

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. For further provisions as to public schools, see amendments, Art. XVIII. 12 Allen, 500-503. 103 Mass. 94, 97.

## CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, ETC.

ARTICLE I. [Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

Oaths, etc.

“I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.”

Abolished. See amendments, Art. VII.

And the governor, lieutenant-governor, and councillors, shall make and subscribe the said declaration, in the pres-

ence of the two houses of assembly ; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution ; and forever afterwards before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz. :

For new oath of allegiance, see amendments, Art. VI.

[" I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state ; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever ; and that I do renounce and abjure all allegiance, subjection, and obedience to the king, queen, or government of Great Britain (as the case may be), and every other foreign power whatsoever ; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United States : and I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation ; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptance of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God."]

Oath of office.

" I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the commonwealth. So help me, God."

Proviso. See amendments, Art. VI.

Provided, always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the



people called Quakers, and shall decline taking the said oath[s], he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, [*“I do swear,” “and abjure,” “oath or,” “and abjuration,”* in the first oath, and in the second oath, the words] *“swear and,”* and [in each of them] the words *“So help me, God;”* subjoining instead thereof, *“This I do under the pains and penalties of perjury.”*

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the state; nor shall they hold any other place or office, or receive any pension or salary from any other state or government or power whatever.

No person shall be capable of holding or exercising at the same time, within this state, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—solicitor-general—treasurer or receiver-general—judge of probate—commissary-general—[president, professor, or instructor of Harvard College]—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—clerk of the inferior court of common pleas—or officer of the customs, including in this description naval officers—shall at the

Oaths and affirmations, how administered.

Plurality of offices prohibited to governor, etc., except, etc. See amendments, Art. VIII.

Same subject. 1 Allen, 553.

Incompatible offices. For further provisions as to incompatible offices, see amendments, Art. VIII. Officers of Harvard College excepted by amendments, Art. XXVII.

same time have a seat in the senate or house of representatives ; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives ; and the place so vacated shall be filled up.

Incompatible  
offices.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council ; or any councillor shall accept of either of those offices or places.

Bribery, etc.,  
disqualify.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

Value of money  
ascertained.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce ; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the commonwealth shall require.

Provisions  
respecting  
commissions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

Provisions re-  
specting writs.  
2 Pick. 592.  
3 Met. 58.  
13 Gray, 74.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts ; they shall be under the seal of the court from whence they issue ; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

Continuation of  
former laws,  
except, etc.  
1 Mass. 59.  
2 Mass. 534.  
8 Pick. 309, 316.  
16 Pick. 107, 115.  
2 Met. 118.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature ; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of  
*habeas corpus*  
secured, except,  
etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner ; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be — “Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.”

The enacting style.

IX. To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority; until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority.

Officers of former government continued until, etc.

X. [In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for revising constitution. For existing provision as to amendments, see amendments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid.

Provision for revising constitution.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for preserving and publishing this constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

## ARTICLES OF AMENDMENT.

Bill, etc., not approved within five days, not to become a law, if legislature adjourn in the mean time.  
3 Mass. 567.  
See Const., Ch. I., § 1, Art. II.

ARTICLE I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court empowered to charter cities.  
122 Mass. 354.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.  
112 Mass. 200.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. See amendments, Arts. XXX. and XXXII.  
11 Pick. 538, 540.  
14 Pick. 341.  
14 Mass. 367.  
5 Met. 162, 298, 591, 594.

ART. III. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, [and who shall have paid, by himself, or his parent, master, or guardian, any state



or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned,] shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives; and no other person shall be entitled to vote in such election.

See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

ART. IV. Notaries public shall be appointed by the governor in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

[In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

All officers commissioned to command in the militia may be removed from office in such manner as the legislature may, by law, prescribe.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter on the duties of his office, to wit:—

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, GOD.”

7 Gray, 299.  
122 Mass. 595,  
597.  
124 Mass. 596.  
For educational  
qualification,  
see amend-  
ments, Art. XX.  
For provision  
as to those who  
have served in  
the army or  
navy in time  
of war, see  
amendments,  
Arts. XXVIII.  
and XXXI.

Notaries public,  
how appointed  
and removed.

See amend-  
ments, Art.  
XXXVII.

Vacancies in the  
offices of secre-  
tary and treas-  
urer, how filled.  
This clause  
superseded by  
amendments,  
Art. XVII.

Commissary-  
general may be  
appointed, in  
case, etc.

Militia officers,  
how removed.

Who may vote  
for captains and  
subalterns.

Oath to be taken  
by all officers.  
See Const.,  
Ch. VI., Art. I.



Proviso.  
Quakers may  
affirm.

*Provided*, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word "swear" and inserting, instead thereof, the word "affirm," and omitting the words "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

Tests abolished.

ART. VII. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators, or representatives, to qualify them to perform the duties of their respective offices.

Incompatibility  
of offices.  
122 Mass. 445,  
600.  
123 Mass. 525.

ART. VIII. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia offices excepted.

Amendments to  
constitution,  
how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed

amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

[The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of

Commencement  
of political  
year,

and termina-  
tion.

Meetings for the  
choice of gov-  
ernor, lieuten-  
ant-governor,  
etc., when to be  
held.

This clause  
superseded by  
amendments,  
Art. XV.

Article, when  
to go into  
operation.

January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of God and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”

ART. XII. [In order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid; and each town or city having three hundred rata-

Inconsistent provisions annulled.

Religious freedom established. See Dec. of Rights, Art. III.

122 Mass. 40, 41.

Census of ratable polls to be taken in 1837, and decennially thereafter. This article was superseded by amendments, Art. XIII, which was also superseded by amendments, Art. XXI. Representatives, how apportioned.

ble polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Fractions, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

Towns may unite into representative districts.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.



city, town and representative district may elect as aforesaid ; and when the number of representatives to be elected by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation. Provisions as to census superseded by amendments, Arts. XXII. and XXIII.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter ; which census shall determine the apportionment of senators and representatives for the term of ten years.

122 Mass. 595.

Senatorial districts declared permanent. Provisions as to senators superseded by amendments, Art. XXII.

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members ; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned. Provisions as to representatives superseded by amendments, Art. XXI.

The members of the house of representatives shall be apportioned in the following manner : Every town or city containing twelve hundred inhabitants may elect one representative ; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years ; and



such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the commonwealth.]

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

ART. XIV. In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect rep-

Basis of representation, and ratio of increase.

The governor and council to apportion the number of representatives of each town once in every ten years.

Councillors to be chosen from the people at large. Provisions as to councillors superseded by amendments, Art. XVI.

Qualifications of councillors.

Freehold as a qualification for a seat in general court or council not required.

Elections by the people to be by plurality of votes.

Time of annual election of governor and legislature.

representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Eight councillors to be chosen by the people.  
122 Mass. 595,  
598.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next state census shall have been taken, and at its first session after each decennial state census thereafterwards, shall divide the commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. [Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the state, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice

Legislature to district state.

Eligibility defined.

Day and manner of election, etc.

Vacancies, how filled.  
For new provision as to vacancies, see amendments, Art. XXV.

Organization of the government.

shall be by them declared and published ; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor ; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room ; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large ; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this commonwealth five years next preceding his election or appointment.

Election of secretary, treasurer, auditor, and attorney-general by the people.

Vacancies, how filled.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and

School moneys not to be applied for sectarian schools. For original provision as to

schools, see constitution, Part First, Art. III.  
12 Allen, 500, 508.  
103 Mass. 94, 96.

Legislature to prescribe for the election of sheriffs, registers of probate, etc. See amendments, Art. XXXVI.  
8 Gray, 1.  
13 Gray, 74.

Reading constitution in English and writing, necessary qualifications of voters. Proviso.  
For other qualifications, see amendments, Art. III.  
See also amendments, Art. XXIII, which was annulled by amendments, Art. XXVI.

Census of legal voters and of inhabitants, when taken, etc. See P. S. c. 31.

House of representatives to consist of 240 members. Legislature to apportion, etc.  
10 Gray, 613.

expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, [commissioners of insolvency,] and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

110 Mass. 172, 173.

117 Mass. 602, 603.

121 Mass. 65.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this pur-



pose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth ; and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, — shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county ; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. [Not less than one hundred members of the house of representatives shall constitute a quorum for doing business ; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August. Proceedings.

Qualifications of representatives. 122 Mass. 595, 598.

Districts to be numbered, described and certified.

Quorum, see amendments, Art. XXXIII.

Census, etc. See P. S. c. 31.



Voters to be basis of apportionment of senators.

Senate to consist of forty members.

Senatorial districts, etc.

See amendments, Art. XXIV.

Qualifications of senators.

Quorum, see amendments, Art. XXXIII.

Residence of two years required of naturalized citizens, to entitle to suffrage or make eligible to office. This article annulled by Art. XXVI.

Vacancies in the senate.

returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. [Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

ART. XXIII. [No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of the senators elected.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Vacancies in the council.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled.

ART. XXVII. So much of article two of chapter six of the constitution of this commonwealth as relates to persons holding the office of president, professor, or instructor of Harvard College, is hereby annulled.

Provisions of Art. II., Chap. VI., relating to officers of Harvard College, annulled.

ART. XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll tax.

Superseded by Art. XXXI.

ART. XXIX. The general court shall have full power and authority to provide for the inhabitants of the towns in this commonwealth more than one place of public meeting within the limits of each town for the election of officers under the constitution, and to prescribe the manner of calling, holding and conducting such meetings. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Voting precincts in towns.

ART. XXX. No person, otherwise qualified to vote in elections for governor, lieutenant-governor, senators, and representatives, shall, by reason of a change of residence within the commonwealth, be disqualified from voting for said officers in the city or town from which he has removed

Voters not disqualified by reason of change of residence until six months from time of removal.

his residence, until the expiration of six calendar months from the time of such removal.

Amendments,  
Art. XXVIII.  
amended.

ART. XXXI. Article twenty-eight of the amendments of the constitution is hereby amended by striking out in the fourth line thereof the words “being a pauper”, and inserting in place thereof the words:—receiving or having received aid from any city or town,—and also by striking out in said fourth line the words “if a pauper”, so that the article as amended shall read as follows: ARTICLE XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town, or because of the non-payment of a poll tax.

Person who  
served in army  
or navy, etc.,  
not disqualified  
from voting for  
non-payment of  
poll tax.

Provisions of  
amendments,  
Art. III., rela-  
tive to payment  
of a tax as a  
voting qualifica-  
tion, annulled.

ART. XXXII. So much of article three of the amendments of the constitution of the commonwealth as is contained in the following words: “and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned”, is hereby annulled.

Quorum, in each  
branch of the  
general court,  
to consist of a  
majority of  
members.

ART. XXXIII. A majority of the members of each branch of the general court shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and compel the attendance of absent members. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Provisions of  
Art. II., § I.,  
Chap. II., Part  
II., relative to  
property quali-  
fication of  
governor,  
annulled.

ART. XXXIV. So much of article two of section one of chapter two of part the second of the constitution of the commonwealth as is contained in the following words: “and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds”; is hereby annulled.

Provisions of  
Art. II., § III.,  
Chap. I., rela-  
tive to expense  
of travelling to  
the general  
assembly by  
members of the  
house, annulled.

ART. XXXV. So much of article two of section three of chapter one of the constitution of the commonwealth as is contained in the following words: “The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judg-

ment of the house, and does not depart without leave", is hereby annulled.

ART. XXXVI. So much of article nineteen of the articles of amendment to the constitution of the commonwealth as is contained in the following words: "commissioners of insolvency", is hereby annulled.

Amendments,  
Art. XIX,  
amended.

ART. XXXVII. The governor, with the consent of the council, may remove justices of the peace and notaries public.

Removal of  
certain officers.

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30 and 1830-31, respectively, and was approved and ratified by the people May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people the twenty-third day of May, 1855.

## CONSTITUTION OF THE

The twentieth, twenty-first, and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859, and was repealed by the twenty-sixth Amendment.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

The twenty-eighth Article was adopted by the legislatures of the political years 1880 and 1881, and was approved and ratified by the people on the eighth day of November, 1881.

The twenty-ninth Article was adopted by the legislatures of the political years 1884 and 1885, and was approved and ratified by the people on the third day of November, 1885.

The thirtieth and thirty-first Articles were adopted by the legislatures of the political years 1889 and 1890, and were approved and ratified by the people on the fourth day of November, 1890.

The thirty-second and thirty-third Articles were adopted by the legislatures of the political years 1890 and 1891, and were approved and ratified by the people on the third day of November, 1891.

The thirty-fourth Article was adopted by the legislatures of the political years 1891 and 1892, and was approved and ratified by the people on the eighth day of November, 1892.

The thirty-fifth Article was adopted by the legislatures of the political years 1892 and 1893, and was approved and ratified by the people on the seventh day of November, 1893.

The thirty-sixth Article was adopted by the legislatures of the political years 1893 and 1894, and was approved and ratified by the people on the sixth day of November, 1894.



The thirty-seventh Article was adopted by the legislatures of the political years 1906 and 1907, and was approved and ratified by the people on the fifth day of November, 1907.

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[A proposed Article of Amendment, prohibiting the manufacture and sale of Intoxicating Liquor as a beverage, adopted by the legislatures of the political years 1888 and 1889, was rejected by the people on the twenty-second day of April, 1889.]

[Proposed Articles of Amendment, (1) Establishing biennial elections of state officers, and (2) Establishing biennial elections of members of the General Court, adopted by the legislatures of the political years 1895 and 1896, were rejected by the people at the annual election held on the third day of November, 1896.]



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ACTS AND RESOLVES

OF


MASSACHUSETTS.

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1909.

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 The General Court of the year nineteen hundred and nine assembled on Wednesday, the sixth day of January. The oaths of office were taken and subscribed by His Excellency EBEN S. DRAPER and His Honor LOUIS A. FROTHINGHAM, on Thursday, the seventh day of January, in the presence of the two Houses assembled in convention.

# ACTS.

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AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION *Chap. 1*  
OF THE MEMBERS OF THE GENERAL COURT, FOR THE COM-  
PENSATION OF THE OFFICERS THEREOF, AND FOR EX-  
PENSES IN CONNECTION THEREWITH.

*Be it enacted by the Senate and House of Representatives  
in General Court assembled, and by the authority of the  
same, as follows:*

SECTION 1. The sums hereinafter mentioned are appro- Appropriations.  
priated, to be paid out of the treasury of the commonwealth  
from the ordinary revenue, for the purposes specified, for  
the fiscal year ending on the thirtieth day of November,  
nineteen hundred and nine, to wit: —

For the compensation of senators, thirty thousand seven Senators,  
hundred and fifty dollars. compensation.

For compensation for travel of senators, a sum not Travel.  
exceeding thirty-two hundred dollars.

For the compensation of representatives, one hundred Representatives,  
and eighty thousand seven hundred and fifty dollars. compensation.

For compensation for travel of representatives, a sum Travel.  
not exceeding nineteen thousand dollars.

For the salaries of the assistant clerks of the senate and Assistant  
house of representatives, four thousand dollars. clerks, senate  
and house.

For the salary of Henry D. Coolidge, clerk of the senate, Clerk of the  
thirty-five hundred dollars. senate.

For such additional clerical assistance to the clerk of Clerical  
the senate as may be necessary for the proper despatch of assistance.  
public business, a sum not exceeding fifteen hundred  
dollars.

For the salary of James W. Kimball, clerk of the house Clerk of the  
of representatives, thirty-five hundred dollars. house.

For such additional clerical assistance to the clerk of the Clerical  
house of representatives as may be necessary for the proper assistance.  
despatch of public business, a sum not exceeding twenty-  
five hundred dollars.



Chaplains.	For the compensation of the chaplains of the senate and house of representatives, six hundred dollars.
Sergeant-at-arms.	For the salary of the sergeant-at-arms, thirty-five hundred dollars.
First clerk.	For the salary of the first clerk in the office of the sergeant-at-arms, twenty-two hundred dollars.
Cashier.	For the salary of the cashier of the sergeant-at-arms, a sum not exceeding one thousand dollars.
Expenses.	For incidental and contingent expenses of the sergeant-at-arms, and expense of mailing legislative bulletins, a sum not exceeding four hundred and fifty dollars.
Doorkeepers, etc.	For the salaries of the doorkeepers of the senate and house of representatives, and the postmaster, forty-two hundred dollars.
Assistant doorkeepers, messengers, etc.	For the compensation of assistant doorkeepers, messengers and pages to the senate and house of representatives, a sum not exceeding twenty-nine thousand dollars.
Printing and binding, senate and house.	For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding thirty-eight thousand dollars.
Manual.	For printing and binding the manual for the general court, under the direction of the clerks of the senate and house of representatives, a sum not exceeding five thousand dollars.
Senate stationery.	For stationery for the senate, purchased by the clerk, a sum not exceeding eight hundred dollars.
House stationery.	For stationery for the house of representatives, purchased by the clerk, a sum not exceeding one thousand dollars.
Sergeant-at-arms, stationery, etc.	For books, stationery, postage, printing and advertising, ordered by the sergeant-at-arms, a sum not exceeding twelve hundred dollars.
Contingent expenses.	For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding five thousand dollars.
Expenses of committees.	For authorized expenses of committees of the present general court, to include clerical assistance to committees authorized to employ the same, a sum not exceeding fifteen thousand dollars.
Advertising hearings.	For expenses of advertising hearings of the committees of the present general court, to include expenses of preparing and mailing the advertisements to the various newspapers, a sum not exceeding ten thousand dollars.

For expenses of summoning witnesses, and for fees of such witnesses, a sum not exceeding two hundred dollars. Witness fees, etc.

For expenses in connection with the publication of the bulletin of committee hearings, a sum not exceeding forty-five hundred dollars. Publication of bulletin.

SECTION 2. This act shall take effect upon its passage.  
*Approved January 13, 1909.*

AN ACT MAKING AN APPROPRIATION FOR THE WORCESTER  
POLYTECHNIC INSTITUTE. Chap. 2

*Be it enacted, etc., as follows:*

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, to the Worcester Polytechnic Institute, as provided for by chapter one hundred and nine of the acts of the year nineteen hundred and five. Worcester Polytechnic Institute.

SECTION 2. This act shall take effect upon its passage.  
*Approved January 21, 1909.*

AN ACT MAKING AN APPROPRIATION FOR THE MASSACHU-  
SETTS INSTITUTE OF TECHNOLOGY. Chap. 3

*Be it enacted, etc., as follows:*

SECTION 1. The sum of twenty-nine thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, to the Massachusetts Institute of Technology. Massachusetts Institute of Technology.

SECTION 2. This act shall take effect upon its passage.  
*Approved January 21, 1909.*

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF A STONE BREAKWATER OFF THE TOWN OF REVERE. Chap. 4

*Be it enacted, etc., as follows:*

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the construction of a stone breakwater off the town of Revere, as authorized by chapter ninety-nine of the resolves of the year nineteen hundred and six, the same to be in addition to any amount heretofore appropriated for this purpose. Construction of a breakwater off the town of Revere.

SECTION 2. This act shall take effect upon its passage.  
*Approved January 21, 1909.*

*Chap. 5* AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS STATE FIREMEN'S ASSOCIATION.

*Be it enacted, etc., as follows:*

Massachusetts  
State  
Firemen's  
Association.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the Massachusetts State Firemen's Association, as provided for by chapter one hundred and seventy-one of the acts of the year nineteen hundred and six.

SECTION 2. This act shall take effect upon its passage.

*Approved January 22, 1909.*

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*Chap. 6* AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF CLAIMS ARISING FROM THE DEATH OF FIREMEN KILLED OR INJURED IN THE DISCHARGE OF THEIR DUTIES.

*Be it enacted, etc., as follows:*

Payment of  
certain claims  
arising from  
the death of  
firemen.

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth, as authorized by section seventy-seven of chapter thirty-two of the Revised Laws, for the payment of such claims as may arise in consequence of the death of firemen belonging to the regularly organized fire department of a city or town, or of members in active service of any incorporated protective department, or of any person doing duty at the request of or by order of the authorities of a town which has no organized fire department, who are killed or who die from injuries received while in the discharge of their duties at fires, during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine.

SECTION 2. This act shall take effect upon its passage.

*Approved January 22, 1909.*

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*Chap. 7* AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE AUDITOR OF THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for

the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

For the salary of the auditor, five thousand dollars. Auditor.

For the salary of the deputy auditor, thirty-five hundred dollars. Deputy auditor.

For the salary of the supervisor of accounts in the auditor's department, twenty-five hundred dollars. Supervisor of accounts.

For the salary of the first clerk in the auditor's department, twenty-five hundred dollars. First clerk.

For the salary of the second clerk in the auditor's department, twenty-two hundred dollars. Second clerk.

For additional clerks, examiners, stenographers and such additional clerical assistance as the auditor may find necessary for the proper despatch of public business, a sum not exceeding fourteen thousand dollars. Additional clerks, etc.

For the salary of the messenger in the auditor's department, nine hundred dollars. Messenger.

For the compensation of a state printing expert, a sum not exceeding fifteen hundred dollars. Printing expert.

For incidental and contingent expenses in the department of the auditor, a sum not exceeding twenty-five hundred dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

*Approved January 27, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION OF VETERANS AND PRISON OFFICERS RETIRED FROM PUBLIC SERVICE.

*Chap. 8*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: — Appropriations.

For the compensation of certain veterans of the civil war formerly in the service of the commonwealth and now retired from that service, a sum not exceeding thirty thousand dollars. Compensation of retired veterans.

For the compensation of certain prison officers formerly in the service of the commonwealth and now retired, a sum not exceeding thirty-four hundred dollars. Compensation of retired prison officers.

SECTION 2. This act shall take effect upon its passage.

*Approved January 27, 1909.*

*Chap. 9* AN ACT MAKING APPROPRIATIONS FOR EXPENSES IN CONNECTION WITH THE SUPERVISION OF TELEPHONE AND TELEGRAPH COMPANIES.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Telephone and Telegraph Commissioners' Fund, for the expense of the supervision of telephone and telegraph companies by the Massachusetts highway commission during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Highway commissioners.

For the salaries of the commissioners, the sum of forty-five hundred dollars.

Expenses.

For necessary statistics, books, stationery, clerks, travelling and incidental expenses, a sum not exceeding six thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved January 27, 1909.*

*Chap. 10* AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE BALLOT LAW COMMISSION.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Ballot law commission.

For the compensation of the ballot law commission, a sum not exceeding fifteen hundred dollars.

Expenses.

For expenses of the said commission, a sum not exceeding one hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved January 27, 1909.*

*Chap. 11* AN ACT MAKING AN APPROPRIATION FOR THE DREDGING OF DORCHESTER BAY.

*Be it enacted, etc., as follows:*

Dredging of  
Dorchester  
bay.

SECTION 1. The sum of eight thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purpose of



dredging Dorchester bay, between Savin Hill and Commercial Point west of the present channel, as authorized by chapter four hundred and eighty-eight of the acts of the year nineteen hundred and seven, the same to be in addition to any amount heretofore appropriated for this purpose.

SECTION 2. This act shall take effect upon its passage.

*Approved January 27, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES OF THE COMMISSIONER OF PUBLIC RECORDS. Chap. 12

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

For the salary of the commissioner of public records, twenty-five hundred dollars. Appropriations.  
Commissioner of public records.

For travelling, clerical and other necessary expenses of the commissioner of public records, including the printing of his annual report, a sum not exceeding twenty-four hundred and eighty dollars. Expenses.

For the purchase of ink for public records, a sum not exceeding four hundred dollars. Purchase of ink.

SECTION 2. This act shall take effect upon its passage.

*Approved January 27, 1909.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE CONTROLLER OF COUNTY ACCOUNTS. Chap. 13

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

For the salary of the controller of county accounts, twenty-five hundred dollars. Appropriations.  
Controller of county accounts.

For the salary of the first deputy controller of county accounts, eighteen hundred dollars. First deputy.

Second deputy. For the salary of the second deputy controller of county accounts, fifteen hundred dollars.

Third deputy. For the salary of the third deputy controller of county accounts, twelve hundred dollars.

Expenses. For travelling and office expenses of the controller of county accounts and of his deputies, to include the printing and binding of the annual report, a sum not exceeding nineteen hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved January 27, 1909.*

**Chap. 14** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE SERGEANT-AT-ARMS.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

Engineer's department.

For the salaries of the chief engineer and other employees in the engineer's department, a sum not exceeding twenty-eight thousand nine hundred and forty dollars.

Watchmen, etc.

For the salaries of the watchmen and assistant watchmen at the state house, a sum not exceeding fourteen thousand six hundred dollars.

Messengers, porters, etc.

For the salaries of the sergeant-at-arms' messengers, porters and office boy at the state house, a sum not exceeding eleven thousand and sixty dollars.

Telephones.

For rent of telephones and expenses in connection therewith at the state house, a sum not exceeding seventy-five hundred dollars.

Heat, light, etc.

For heat, light and power at the state house, including coal, water, gas, and the removal of ashes, a sum not exceeding thirty-five thousand dollars.

Care of state house, etc.

For the care of the state house and grounds, including repairs, furniture and repairs thereof, and such expenses as may be necessary at the various buildings now occupied by state departments, a sum not exceeding twenty-four thousand dollars.

New furniture, etc.

For new furniture and fixtures, a sum not exceeding six thousand dollars.

For the salary of the state house matron, a sum not exceeding eight hundred dollars. State house matron.

For the salary of the state house carpenter, the sum of fourteen hundred dollars. Carpenter.

SECTION 2. This act shall take effect upon its passage.

*Approved January 27, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE BOARD OF FREE PUBLIC LIBRARY COMMISSIONERS. Chap. 15

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:— Appropriations.

To carry out the provisions of the act to promote the establishment and efficiency of free public libraries, a sum not exceeding two thousand dollars. Free public libraries.

For clerical assistance to and incidental and necessary expenses of the board of free public library commissioners, the same to include the printing and binding of the annual report, a sum not exceeding seven hundred dollars. Clerical assistance, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved January 27, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF ANNUITIES AND PENSIONS TO SOLDIERS AND OTHERS. Chap. 16

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the payment of annuities and pensions due from the commonwealth to soldiers and others during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:— Appropriations.

For annuities to soldiers and others, as authorized by the general court, the sum of fifty-two hundred and fifty dollars. Annuities to soldiers, etc.

For pensions authorized by the general court, the sum of two hundred and eighty dollars. Pensions.

SECTION 2. This act shall take effect upon its passage.

*Approved January 29, 1909.*

**Chap. 17** AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS  
AGRICULTURAL COLLEGE.

*Be it enacted, etc., as follows:*

Appropriations, Massachusetts Agricultural College.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Scholarships.

For providing one hundred and twenty free scholarships at the Massachusetts Agricultural College, the sum of fifteen thousand dollars.

Theoretical and practical education.

For providing the theoretical and practical education required by the charter of the college and by the laws of the United States relating thereto, the sum of thirty thousand dollars.

Labor fund, etc.

For the further maintenance of the college, the sum of twelve thousand dollars, of which five thousand dollars shall be used as a labor fund for the assistance of needy students.

Veterinary laboratory.

For a maintenance fund for the veterinary laboratory at the college, the sum of one thousand dollars.

Heating and lighting plant.

For the maintenance of the heating and lighting plant of the college, the sum of five hundred dollars.

Dining hall.

For the maintenance of the dining hall at the college, the sum of five hundred dollars.

Agricultural experiment station.

For maintaining an agricultural experiment station at the college, the sum of ten thousand five hundred dollars.

Collecting, etc., samples of commercial feed stuffs.

For collecting and analyzing samples of concentrated commercial feed stuffs, a sum not exceeding three thousand dollars.

Expenses of trustees.

For travelling and other necessary expenses of the trustees of the college, a sum not exceeding eight hundred dollars.

Report of trustees.

For printing and binding the report of the trustees of the college, a sum not exceeding three thousand dollars.

Normal department.

For the establishment of a normal department at the college, for the purpose of giving instruction in the elements of agriculture to persons desiring to teach such elements in the public schools, the sum of five thousand dollars.

For short courses in agriculture, the sum of five thousand dollars. Courses in agriculture.

SECTION 2. This act shall take effect upon its passage.

*Approved January 29, 1909.*

AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED BY LAW. Chap. 18

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

For medical examiners' fees, a sum not exceeding four hundred dollars. Appropriations.  
Medical examiners' fees.

For travelling and other necessary expenses of the board of publication, a sum not exceeding one hundred dollars. State board of publication, travel, etc.

For payment of damages caused by wild deer, for the present year and for previous years, a sum not exceeding forty-five hundred dollars. Damages by wild deer.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year nineteen hundred and nine, the sum of three hundred dollars. Repair, etc., of roads in Mashpee.

For assistance to the town of Truro in maintaining a section of its county highway known as Beach Point road, a sum not exceeding five hundred dollars. Beach Point road in Truro.

For small items of expenditure for which no appropriations have been made, and for cases in which appropriations have been exhausted or have reverted to the commonwealth in previous years, a sum not exceeding one thousand dollars, to be expended by the auditor of the commonwealth. Small items of expenditure.

For reimbursing certain officials for premiums paid for procuring sureties on their bonds, a sum not exceeding one thousand dollars. Premiums on certain bonds.

For the expenses of the electoral college, a sum not exceeding five hundred dollars. Electoral college.

For preliminary plans, specifications, etc., provided for by the act relative to the construction and improvement of Certain plans, specifications, etc.



buildings at state and other institutions, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved January 29, 1909.*

*Chap. 19* AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE TAX COMMISSIONER AND COMMISSIONER OF CORPORATIONS.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

Tax commissioner, etc.

For the salary of the tax commissioner and commissioner of corporations, five thousand dollars.

Deputy.

For the salary of the deputy tax commissioner, three thousand dollars.

Assistants.

For the salaries of the three assistants in the department of the tax commissioner, seven thousand dollars.

First clerk.

For the salary of the first clerk in the department of the tax commissioner, two thousand dollars.

Second clerk.

For the salary of the second clerk in the department of the tax commissioner, twelve hundred and fifty dollars.

Supervisors of assessors.

For the salaries of the supervisors of assessors, six thousand dollars.

Clerical assistance.

For such additional clerical assistance as the tax commissioner may find necessary for the despatch of public business, a sum not exceeding thirty-three thousand dollars.

Expenses.

For incidental and contingent expenses of the tax commissioner and commissioner of corporations, a sum not exceeding sixty-five hundred dollars.

Travelling expenses of commissioner, etc.

For travelling expenses of the tax commissioner and his deputy, a sum not exceeding seven hundred dollars.

Travelling expenses of supervisors.

For travelling and other expenses of the supervisors of assessors, a sum not exceeding thirty-five hundred dollars.

Valuation books.

For valuation books for assessors of cities and towns, a sum not exceeding one thousand dollars.

For printing and binding the annual report of the tax commissioner and the table of aggregates, a sum not exceeding nineteen hundred dollars. Annual report.

SECTION 2. This act shall take effect upon its passage.

*Approved January 29, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION Chap. 20  
AND EXPENSES OF THE CIVIL SERVICE COMMISSIONERS.

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the civil service commission, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:— Appropriations.

For the salaries of the members of the commission, thirty-nine hundred dollars. Civil service commission.

For the salary of the chief examiner of the commission, three thousand dollars. Chief examiner.

For the salary of the secretary of the commission, three thousand dollars. Secretary.

For the salary of the registrar of labor of the commission, two thousand dollars. Registrar of labor.

For clerical assistance, for office, printing, travelling and incidental expenses of the commissioners, chief examiner, secretary and inspectors, and for advertising and stationery, a sum not exceeding twenty-nine thousand six hundred dollars. Clerical assistance, etc.

For printing and binding ten thousand copies of the annual report of the commission, a sum not exceeding one thousand dollars. Annual report.

SECTION 2. This act shall take effect upon its passage.

*Approved January 29, 1909.*

AN ACT MAKING APPROPRIATIONS FOR PAYMENT OF STATE Chap. 21  
AND MILITARY AID, AND EXPENSES IN CONNECTION  
THEREWITH.

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes Appropriations.

specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

State and  
military aid.

For repayment to cities and towns of money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding eight hundred and sixty-six thousand dollars, the same to be paid on or before the fifteenth day of November in the year nineteen hundred and nine.

Commissioner  
of state aid,  
etc.

For the salary of the commissioner of state aid and pensions, twenty-five hundred dollars.

Deputy.

For the salary of the deputy commissioner of state aid and pensions, two thousand dollars.

Agents.

For the salaries of the agents of the commissioner of state aid and pensions, forty-two hundred dollars.

Bookkeeper.

For the salary of the bookkeeper of the said commissioner, thirteen hundred dollars.

Additional  
clerks.

For the salaries of additional clerks of the said commissioner, a sum not exceeding forty-nine hundred and eighty dollars.

Expenses.

For incidental and contingent expenses of the said commissioner, to include necessary travel, a sum not exceeding nineteen hundred and twenty dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved January 29, 1909.*

*Chap. 22* AN ACT MAKING APPROPRIATIONS FOR PURCHASING PAPER, PRINTING AND BINDING PUBLIC DOCUMENTS, PRINTING AND DISTRIBUTING BALLOTS, AND FOR OTHER PURPOSES.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Public  
documents.

For printing and binding the series of public documents, a sum not exceeding eighteen thousand dollars.

Pamphlet  
edition of  
acts, etc.

For printing the pamphlet edition of the acts and resolves of the present year, a sum not exceeding fifty-five hundred dollars.

Blue book.

For printing and binding the blue book edition of the acts and resolves of the present year, a sum not exceeding nine thousand dollars.

For the newspaper publication of the general laws and information intended for the public, a sum not exceeding five hundred dollars. Publication of laws.

For reports of decisions of the supreme judicial court, a sum not exceeding two thousand dollars. Decisions of supreme judicial court.

For the purchase of paper used in the execution of the contract for the state printing, a sum not exceeding thirty-six thousand dollars. Purchase of paper.

For registration books and blanks, indexing returns and editing the registration report, a sum not exceeding five thousand dollars. Registration books, etc.

For printing and distributing ballots, a sum not exceeding ten thousand dollars. Printing, etc., ballots.

For blanks for town officers, election laws and blanks and instructions on all matters relating to elections, and for advertising the state ticket, a sum not exceeding four thousand dollars. Blank forms, etc.

SECTION 2. This act shall take effect upon its passage.  
*Approved January 29, 1909.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH. *Chap. 23*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the department of the secretary of the commonwealth, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:— Appropriations.

For the salary of the secretary of the commonwealth, five thousand dollars. Secretary.

For the salaries of the two deputies, five thousand dollars. Deputies.

For the salary of the present corporation clerk, two thousand dollars. Corporation clerk.

For the salary of the chief of the archives division, two thousand dollars. Chief of archives division.

For the salary of the present engrossing clerk, sixteen hundred dollars. Engrossing clerk.

For the salary of the cashier, a sum not exceeding twelve hundred dollars. Cashier.

Clerical  
assistance,  
messengers,  
etc.

For messengers and such additional clerical assistance as the secretary may find necessary, a sum not exceeding twenty-six thousand five hundred dollars.

Expenses.

For incidental and contingent expenses, a sum not exceeding four thousand dollars.

Arrangement,  
etc., of  
records, etc.

For the arrangement and preservation of state records and papers, a sum not exceeding three thousand dollars.

Postage, etc.

For postage and expressage on documents to members of the general court, and for transportation of documents to free public libraries, a sum not exceeding thirty-five hundred dollars.

Ballot boxes,  
etc.

For furnishing cities and towns with ballot boxes, and for repairs to the same, a sum not exceeding one thousand dollars.

Counting  
apparatus.

For the purchase of apparatus to be used at polling places in the canvass and count of votes, a sum not exceeding five hundred dollars.

Regimental  
histories.

For the purchase of histories of regiments, batteries and other military organizations of the Massachusetts volunteers who served in the civil war, a sum not exceeding two thousand dollars.

Preservation of  
town records.

For expenses in connection with the preservation of town records of births, marriages and deaths previous to the year eighteen hundred and fifty, a sum not exceeding fifteen thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved January 29, 1909.*

**Chap. 24** AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE  
OF THE REFORMATORY PRISON FOR WOMEN.

*Be it enacted, etc., as follows:*

Appropriation,  
reformatory prison  
for women.

SECTION 1. A sum not exceeding sixty-two thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance of the reformatory prison for women during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine.

Town of  
Framingham.

For the town of Framingham, toward the annual expense of maintaining and operating the system of sewage disposal at said prison, the sum of six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 3, 1909.*



AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE MASSACHUSETTS REFORMATORY. *Chap. 25*

*Be it enacted, etc., as follows:*

SECTION 1. A sum not exceeding two hundred and thirty-three thousand two hundred dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance of the Massachusetts reformatory during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine. Massachusetts reformatory.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 3, 1909.*

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE STATE PRISON. *Chap. 26*

*Be it enacted, etc., as follows:*

SECTION 1. A sum not exceeding one hundred and seventy-two thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance of the state prison during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine. State prison.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 3, 1909.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE TREASURER AND RECEIVER GENERAL. *Chap. 27*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the department of the treasurer and receiver general, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:— Appropriations.

For the salary of the treasurer and receiver general, five thousand dollars. Treasurer.

For the salary of the first clerk, twenty-six hundred dollars. First clerk.

Second clerk.	For the salary of the second clerk, twenty-one hundred dollars.
Third clerk.	For the salary of the third clerk, eighteen hundred dollars.
Receiving teller.	For the salary of the receiving teller, eighteen hundred dollars.
Paying teller.	For the salary of the paying teller, eighteen hundred dollars.
Assistant paying teller.	For the salary of the assistant paying teller, one thousand dollars.
Cashier.	For the salary of the cashier, twenty-two hundred dollars.
Assistant bookkeeper.	For the salary of the assistant bookkeeper, fifteen hundred dollars.
Fund clerk.	For the salary of the fund clerk, fifteen hundred dollars.
Files clerk.	For the salary of the files clerk, nine hundred dollars.
Stenographer.	For the salary of the stenographer, nine hundred dollars.
Messenger.	For the salary of the messenger, nine hundred dollars.
Clerical assistance.	For such additional clerical assistance as may be necessary for the despatch of public business, a sum not exceeding thirty-five hundred dollars.
Expenses.	For incidental and contingent expenses, a sum not exceeding four thousand dollars.
Tax on collateral legacies, etc.	For such expenses as the treasurer and receiver general may find necessary in carrying out the provisions of the act imposing a tax on collateral legacies and successions, a sum not exceeding four thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 3, 1909.*

**Chap. 28** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE EXECUTIVE DEPARTMENT OF THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Governor.

For the salary of the governor, eight thousand dollars.

Lieutenant governor and council.

For the compensation of the lieutenant governor, two thousand dollars, and for that of the executive council, sixty-four hundred dollars.

For travelling expenses of the executive council, a sum not exceeding one thousand dollars.	Travelling expenses.
For the salary of the private secretary of the governor, twenty-five hundred dollars.	Private secretary to governor.
For the salary of the executive secretary, twenty-five hundred dollars.	Executive secretary.
For the salary of the executive stenographer, a sum not exceeding eighteen hundred dollars.	Stenographer.
For the salary of the clerk of the executive department, a sum not exceeding twelve hundred dollars.	Clerk.
For the salary of the executive messenger, twelve hundred dollars.	Messenger.
For the salary of the assistant executive messenger, one thousand dollars.	Assistant messenger.
For contingent expenses of the executive department, a sum not exceeding three thousand dollars.	Contingent expenses.
For postage, printing and stationery for the executive department, a sum not exceeding twelve hundred dollars.	Postage, printing, etc.
For travelling and contingent expenses of the governor and council, a sum not exceeding twenty-five hundred dollars.	Governor and council, expenses.
For postage, printing and stationery for the executive council, a sum not exceeding five hundred dollars.	Council postage, printing, etc.
For the payment of extraordinary expenses, to be expended under the direction of the governor and council, a sum not exceeding one hundred thousand dollars.	Extraordinary expenses.
For the preparation of tables and indexes relating to the statutes of the present year and of previous years, a sum not exceeding five hundred dollars.	Tables and indexes to statutes.
For expenses incurred in the arrest of fugitives from justice, a sum not exceeding one thousand dollars.	Arrest of fugitives.

SECTION 2. This act shall take effect upon its passage.

*Approved February 3, 1909.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE ATTORNEY-GENERAL.

*Chap. 29*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the department of the attorney-general, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Appropriations.

Attorney-general.

For the salary of the attorney-general, five thousand dollars.

Assistants, etc.

For the compensation of assistants in his office, and for such additional legal assistance as may be deemed necessary in the discharge of his duties, and also for other necessary expenses in his department, a sum not exceeding forty-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 3, 1909.*

*Chap. 30* AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE HARBOR AND LAND COMMISSIONERS.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Harbor and land commissioners.

For the salaries of the harbor and land commissioners, eighty-seven hundred dollars.

Engineers, clerical assistance, etc.

For the compensation and expenses of the engineers employed by, and for clerical and other assistance to, the commissioners, a sum not exceeding thirty-three thousand dollars.

Travelling expenses.

For travelling and other necessary expenses of the commissioners, a sum not exceeding seven hundred and fifty dollars.

Office expenses, etc.

For incidental and contingent office expenses of the commissioners, including the printing and binding of their annual report, a sum not exceeding two thousand dollars.

Town boundary atlases.

For printing town boundary atlases, a sum not exceeding twenty-five hundred dollars.

Surveys, etc., of harbors, etc.

For surveys of harbors, and for improving and preserving the same, and for repairing damages occasioned by storms along the coast line or river banks of the commonwealth, a sum not exceeding four thousand dollars.

Removal of wrecks, etc.

For the removal of wrecks and other obstructions from tide waters, a sum not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 3, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE GAS AND ELECTRIC LIGHT COMMISSIONERS. *Chap. 31*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Gas and Electric Light Commissioners' Fund, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

For the salaries of the commissioners, eleven thousand dollars.

Appropriations.

Gas and electric light commissioners.

For clerical assistance to the commissioners, a sum not exceeding five thousand dollars.

Clerical assistance.

For statistics, books and stationery, and for other necessary expenses of the commissioners, a sum not exceeding three thousand dollars.

Expenses.

For the inspection of electric meters, a sum not exceeding one thousand dollars.

Inspection of electric meters.

For the salary of the present gas inspector, twenty-eight hundred dollars.

Gas inspector.

For the salary of the present first assistant inspector, eighteen hundred dollars.

First assistant.

For the salary of the present second assistant inspector, fifteen hundred dollars.

Second assistant.

For the compensation of deputies, travelling expenses, apparatus, office rent and other incidental expenses, a sum not exceeding eight thousand dollars.

Deputies, etc.

For printing and binding the annual report of the commissioners, a sum not exceeding sixteen hundred dollars.

Annual report.

SECTION 2. This act shall take effect upon its passage.

*Approved February 3, 1909.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE BANK COMMISSIONER. *Chap. 32*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the department of the bank commissioner, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

Appropriations.



Bank commissioner.

For the salary of the commissioner, the sum of five thousand dollars.

Deputy.

For the salary of the deputy commissioner, the sum of three thousand dollars.

Examiners, etc.

For the salaries of examiners, clerks, experts and other assistants, a sum not exceeding twenty-five thousand three hundred dollars.

Expenses.

For printing, stationery, office supplies, travelling and other expenses, a sum not exceeding seventy-six hundred and seventy-five dollars.

Annual report.

For printing and binding the annual report, a sum not exceeding forty-seven hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 3, 1909.*

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**Chap. 33** AN ACT TO AUTHORIZE THE SUPREME JUDICIAL COURT FOR ANY COUNTY TO ORDER THE REMOVAL OF CERTAIN ACTIONS TO THE SUPERIOR COURT FOR THE SAME COUNTY.

*Be it enacted, etc., as follows:*

1905, 263, § 2,  
amended.

SECTION 1. Section two of chapter two hundred and sixty-three of the acts of the year nineteen hundred and five is hereby amended by adding at the end thereof the following: — *provided, however*, that the supreme judicial court for any county may, for cause shown, order the removal for trial to the superior court for the same county of any action of contract or replevin pending in the supreme judicial court, — so as to read as follows: — *Section 2.* This act shall not affect any pending proceeding: *provided, however*, that the supreme judicial court for any county may, for cause shown, order the removal for trial to the superior court for the same county of any action of contract or replevin pending in the supreme judicial court.

Pending proceedings not affected.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1909.*

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**Chap. 34** AN ACT MAKING AN APPROPRIATION FOR MAINTAINING THE PRISON CAMP AND HOSPITAL.

*Be it enacted, etc., as follows:*

Prison camp and hospital.

SECTION 1. A sum not exceeding forty-one thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for

salaries and expenses at the prison camp and hospital for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1909.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE PRISON COMMISSIONERS, AND FOR SUNDRY REFORMATORY EXPENSES.

*Chap. 35*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Appropriations.

For the salary of the chairman of the prison commissioners, four thousand dollars.

Prison commissioners, chairman.

For the salary of the secretary of the prison commissioners, twenty-five hundred dollars.

Secretary.

For clerical assistance in the office of the prison commissioners, a sum not exceeding forty-eight hundred dollars.

Clerical assistance.

For the salaries of the agents of the prison commissioners, fifty-two hundred dollars.

Agents.

For travelling expenses of the prison commissioners and of the secretary and agents of said commissioners, a sum not exceeding three thousand dollars.

Travelling expenses.

For incidental and contingent expenses of the prison commissioners, including the printing and binding of the annual report, a sum not exceeding twenty-seven hundred dollars.

Expenses.

For the salary of the agent for aiding discharged female prisoners, one thousand dollars.

Agent for aiding discharged female prisoners.

For the expenses of the agent for aiding discharged female prisoners, including assistance to said prisoners, a sum not exceeding three thousand dollars.

Expenses.

For aiding prisoners discharged from the Massachusetts reformatory, a sum not exceeding five thousand dollars.

Aiding prisoners discharged from reformatory.

For aiding prisoners discharged from the state prison, a sum not exceeding three thousand dollars.

Aiding prisoners discharged from state prison.

For expenses incurred in removing prisoners to and from state and county prisons, a sum not exceeding twenty-one hundred dollars.

Removal of prisoners.

Identification  
of criminals.

For expenses in connection with the identification of criminals, a sum not exceeding nineteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1909.*

**Chap. 36** AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE RAILROAD COMMISSIONERS.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Railroad Commissioners' Fund, for the salaries and expenses of the railroad commissioners, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Railroad commissioners.

For the salaries of the commissioners, sixteen thousand dollars.

Clerk.

For the salary of the clerk of the commissioners, three thousand dollars.

Assistant clerk.

For the salary of the assistant clerk of the commissioners, eighteen hundred dollars.

Clerical assistance.

For such additional clerical assistance as the commissioners may deem necessary for the proper despatch of public business, a sum not exceeding twenty-two hundred dollars.

Accountant.

For the salary of the accountant of the commissioners, twenty-five hundred dollars.

Railroad inspectors.

For the salaries and expenses of the railroad inspectors, a sum not exceeding seventeen thousand dollars.

Experts, etc.

For the compensation of experts or other agents of the commissioners, a sum not exceeding eight thousand dollars.

Rent, messenger, etc.

For rent, care of office and salary of a messenger for the commissioners, a sum not exceeding six thousand dollars.

Stationery, etc.

For books, maps, statistics, stationery, incidental and contingent expenses of the commissioners, a sum not exceeding forty-five hundred dollars.

Stenographers, etc.

For stenographers and stenographic reports, a sum not exceeding twenty-four hundred dollars.

Annual report.

For printing and binding the annual report of the commissioners, a sum not exceeding fifty-five hundred dollars.

Taking evidence at inquests, etc.

For taking evidence given at inquests in the case of death by accident occurring upon railroads and street railways, a sum not exceeding three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1909.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE STATE LIBRARY. *Chap. 37*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the state library, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Appropriations.

For the salary of the librarian, three thousand dollars.

State librarian.

For the purchase of books, eighty-five hundred dollars.

Purchase of books.

For such clerical assistance as may be necessary, a sum not exceeding sixty-four hundred dollars.

Clerical assistance.

For preparing an index to current events and to such other matters contained in the newspapers of the day as may be deemed important by the trustees and librarian, a sum not exceeding one thousand dollars.

Index to current events.

For contingent expenses, to be expended under the direction of the trustees and librarian, a sum not exceeding two thousand dollars.

Contingent expenses.

For printing and binding the annual report of the librarian, a sum not exceeding eight hundred dollars.

Annual report.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1909.*

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF PREMIUMS ON SECURITIES PURCHASED FOR THE MASSACHUSETTS SCHOOL FUND. *Chap. 38*

*Be it enacted, etc., as follows:*

SECTION 1. A sum not exceeding ten thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the payment by the treasurer and receiver general of premiums on securities purchased for the Massachusetts School Fund, as provided for by section three of chapter forty-one of the Revised Laws.

Premiums on securities purchased for the Massachusetts School Fund.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1909.*

**Chap. 39** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE QUARTERMASTER GENERAL OF THE MILITIA, AND FOR SUNDRY ARMORY EXPENSES.

*Be it enacted, etc., as follows:*

Appropriations.  
Quartermaster general.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Superintendent of armories.

For the salary of the superintendent of armories, eighteen hundred dollars.

Clerks.

For the salaries of the clerks in the quartermaster general's department, seventy-four hundred dollars.

Expenses.

For incidental and contingent expenses in the quartermaster general's department, a sum not exceeding six thousand dollars.

Quartermasters' supplies.

For quartermasters' supplies, a sum not exceeding twelve thousand dollars.

Armories of the first class.

For maintenance of armories of the first class, a sum not exceeding ninety-five thousand dollars.

Armorers, salaries.

For the salaries of armorers of the first class, a sum not exceeding thirty-two thousand dollars.

Armories of the second class.

For rent and maintenance of armories of the second class, a sum not exceeding twelve thousand three hundred dollars.

Armories of the third class.

For rent and maintenance of armories of the third class, a sum not exceeding thirteen thousand seven hundred dollars.

Care, etc., of camp ground, etc.

For care and maintenance of the camp ground and buildings of the commonwealth at Framingham, a sum not exceeding four thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1909.*

**Chap. 40** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE SURGEON GENERAL OF THE MILITIA.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the common-



wealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

For the salary of the surgeon general, twelve hundred dollars. Surgeon general.

For medical supplies for the use of the volunteer militia, and for incidental and contingent expenses of the surgeon general, including clerical services and the printing of the annual report, a sum not exceeding twenty-five hundred dollars. Medical supplies, etc.

For expenses in connection with the examination of recruits for the militia, a sum not exceeding twenty-six hundred dollars. Examination of recruits.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1909.*

AN ACT MAKING APPROPRIATIONS FOR CONTINUING THE Chap. 41  
PUBLICATION OF THE PROVINCE LAWS.

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purpose of completing the preparation and publication of the acts and resolves of the province of Massachusetts Bay, during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

For the salary of the editor, the sum of two thousand dollars. Province laws, editor.

For the salary of the chief clerk, fifteen hundred dollars. Chief clerk.

For clerical service and a messenger, a sum not exceeding thirty-four hundred dollars. Clerical service, etc.

For stationery, postage, travelling and other expenses in connection with the preparation and publication of the province laws, a sum not exceeding two hundred dollars. Expenses.

For printing and binding such volumes as may be completed, a sum not exceeding twenty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose. Printing and binding.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1909.*

**Chap. 42** AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE BOARD OF REGISTRATION IN DENTISTRY.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the board of registration in dentistry, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Board of registration in dentistry.

For the salaries of the members of the board, seventeen hundred dollars.

Clerical services, etc.

For clerical services, postage, printing, travelling and other necessary expenses of the board, to include the printing of the annual report, a sum not exceeding twenty-two hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1909.*

**Chap. 43** AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE BOARD OF REGISTRATION IN PHARMACY.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the board of registration in pharmacy, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Board of registration in pharmacy.

For the salaries of the members of the board, thirty-one hundred dollars.

Travelling expenses, etc.

For travelling and other expenses of the members of the board, a sum not exceeding seventeen hundred and twenty-five dollars.

Agent.

For the salary and expenses of the agent of the board, a sum not exceeding twenty-four hundred dollars.

Stenographer, etc.

For a stenographer, witness fees and incidental and contingent expenses of the board, the same to include the printing of the annual report, a sum not exceeding seven hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1909.*

AN ACT MAKING AN APPROPRIATION FOR THE PUBLICATION OF A RECORD OF MASSACHUSETTS SOLDIERS AND SAILORS WHO SERVED IN THE WAR OF THE REBELLION.

Chap. 44

*Be it enacted, etc., as follows:*

SECTION 1. The sum of twelve thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for expenses in connection with the publication of a record of Massachusetts troops and officers, sailors and marines, in the war of the rebellion, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine.

Publication of record of soldiers and sailors.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE BOARD OF REGISTRATION IN VETERINARY MEDICINE.

Chap. 45

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the board of registration in veterinary medicine, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Appropriations.

For the salaries of the members of the board, a sum not exceeding six hundred dollars.

Board of registration in veterinary medicine.  
Expenses.

For travelling and other expenses of the members of the board, a sum not exceeding six hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE BOARD OF REGISTRATION IN MEDICINE.

Chap. 46

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the board of registration in medicine, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Appropriations.

Board of registration in medicine.

For the salaries of the members of the board, forty-three hundred dollars.

Travelling expenses, etc.

For travelling and other expenses of the board, a sum not exceeding six hundred dollars.

Clerk.

For the clerk of the board, the sum of eight hundred dollars.

Expenses.

For printing, postage, office supplies and contingent expenses of the board, to include the printing of the annual report, a sum not exceeding ten hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1909.*

**Chap. 47** AN ACT FURTHER TO DEFINE THE DUTIES OF COUNTY COMMISSIONERS IN THE ALTERATION OF CROSSINGS.

*Be it enacted, etc., as follows:*

1906, 463, § 23,  
Part I, etc.,  
amended.

SECTION 1. Section twenty-three of Part I of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, as amended by section one of chapter five hundred and forty-two of the acts of the year nineteen hundred and eight, is hereby further amended by inserting after the word "situated", in the twelfth line, the words:— in whole or in part, — so as to read as follows:— *Section 23.* If a public way and a railroad cross each other, and the board of aldermen of the city or the selectmen of the town in which the crossing is situated, or the directors of the railroad corporation, or the directors of a street railway company having tracks on the said way are of opinion that it is necessary for the security or convenience of the public that an alteration which does not involve the abolition of a crossing at grade should be made in the crossing, the approaches thereto, the location of the railroad or way, or in a bridge at the crossing, they shall apply to the county commissioners, or, if the crossing is situated, in whole or in part, in the city of Boston, to the board of railroad commissioners, who shall, after public notice, hear all parties interested, and, if they decide that such alteration is necessary, shall prescribe the manner and limits within which it shall be made, and shall forthwith certify their decision to the parties and to said board. This proceeding may include any case where there is need of the rebuilding of a highway bridge or any structural change or renewal for the purpose of strengthen-

Alteration of crossings.

ing or improving it. In case any street railway company is authorized to lay and use tracks upon the said way, the said company shall bear such part of the expense of building, rebuilding, changing, renewing, repairing or improving a bridge forming a part of said way, or of altering or improving the approaches thereto, as shall be deemed to be just by the commission provided for in sections twenty-five and twenty-six.

SECTION 2. The board of railroad commissioners shall have jurisdiction of the petition heretofore filed with said board for the alteration and rebuilding of the bridge at the crossing of Mystic avenue over tracks of the Boston and Albany Railroad Company and the Boston and Maine Railroad, therein described as within the city of Boston, notwithstanding the fact that said crossing and said bridge and its abutments and approaches may be located partly in the city of Boston and partly in the city of Somerville, as if section one of this act had been in force at the date of said petition.

Rebuilding of bridge, etc., at the Mystic avenue crossing, etc.

SECTION 3. This act shall take effect upon its passage.

*Approved February 9, 1909.*

AN ACT TO AUTHORIZE THE ELECTION OF COMMISSIONERS OF PUBLIC WORKS IN THE TOWN OF HUDSON.

*Chap. 48*

*Be it enacted, etc., as follows:*

SECTION 1. Upon the acceptance of this act as provided for hereinafter the town of Hudson shall, at a legal meeting called for the purpose or at an annual town meeting, elect by official ballot three persons who shall serve and be known as commissioners of public works, and who shall hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the annual town meeting at which they are elected, or which follows the special meeting at which they are elected. Thereafter one such commissioner shall be elected annually at the annual town meeting, to serve for the term of three years therefrom, or until his successor is elected and qualified. Any vacancy occurring in said board may be filled for the unexpired term by said town at any legal meeting.

Town of Hudson may elect commissioners of public works.

Vacancy.

SECTION 2. Upon the election of said commissioners of public works, the boards of water commissioners, sewer

Boards of water commissioners, sewer



sewer commis-  
sioners, etc., to  
be abolished,  
etc.

commissioners and the municipal electric light board shall be abolished, and thereupon all the powers, rights, duties and liabilities of the boards of water commissioners, sewer commissioners and of the municipal electric light board, in said town shall be conferred and imposed upon the commissioners of public works created by this act. No contracts or liabilities, existing at the time of the said election, shall be affected hereby, but the board hereby created shall be in all respects, and for all purposes whatsoever, the lawful successor of the water commissioners, sewer commissioners, municipal electric light board, and also of the selectmen in all matters touching the care and maintenance of highways, bridges, drains and sidewalks.

Powers, duties,  
etc., of com-  
missioners of  
public works.

SECTION 3. Said commissioners in matters concerning the care and maintenance of highways, bridges, drains and sidewalks shall exclusively have the powers and be subject to the duties, liabilities and penalties of selectmen, which said powers, duties, liabilities and penalties shall be transferred from said selectmen to said commissioners of public works, upon the election thereof.

Same subject.

SECTION 4. Upon the election of the said board of public works, all the powers, rights, duties and liabilities of the selectmen in said town now existing or hereafter created by law, relating to the laying out and discontinuance of highways, town ways, bridges and sidewalks, guide posts, monuments at the termini and angles of roads, public squares, playgrounds, shade trees, sewers, drains, assessments of damages and betterments, gas pipes, conduits, poles, wires, street railways, the granting of locations, rights or licenses for structures upon, under or over highways or other ways, shall be exercised, enjoyed, performed and incurred by a board consisting of the selectmen and the commissioners of public works created by this act, sitting jointly as a board of survey.

Board of over-  
seers of the  
poor to be  
abolished, etc.

SECTION 5. Upon the acceptance of this act by said town the board of overseers of the poor shall be abolished, and all the powers, rights, duties and liabilities of said board shall be transferred to the selectmen.

Auditor,  
election,  
term, etc.

SECTION 6. After the acceptance of this act, the said town shall, at the same meeting at which it elects the afore-said commissioners of public works, elect by official ballot a single auditor for the term of one year, and thereupon the board of auditors of said town shall be abolished, and

all the rights, duties and liabilities of the board of auditors shall be conferred and imposed upon said auditor.

SECTION 7. After the acceptance of this act and upon the election of said commissioners of public works, all water rates and electric light and power rates assessed by said commissioners of public works shall be collected by the collector of taxes.

Collection of water, electric light and power rates, etc.

SECTION 8. This act, except as provided in section nine, shall take effect upon its acceptance by a majority vote of the voters of the town of Hudson present and voting thereon at a legal town meeting called for the purpose within one year after its passage, but the number of meetings so called shall not exceed three.

When to take effect.

SECTION 9. So much of this act as authorizes its submission as aforesaid shall take effect upon its passage.

*Approved February 10, 1909.*

AN ACT RELATIVE TO DEFENDANTS IN CRIMINAL PROSECUTIONS.

*Chap. 49*

*Be it enacted, etc., as follows:*

SECTION 1. Section seven of chapter two hundred and nineteen of the Revised Laws is hereby amended by inserting after the word "appointment", in the second line, the words:—admission to practise as an attorney-at-law, — so as to read as follows:—*Section 7.* A defendant in a criminal prosecution who relies for his justification upon a license, appointment, admission to practise as an attorney-at-law, or authority shall prove the same; and, until he has proved it, the presumption shall be that he is not so authorized.

R. L. 219, § 7, amended.

Burden on defendant to prove license.

SECTION 2. This act shall take effect upon its passage.

*Approved February 10, 1909.*

AN ACT TO PROVIDE FOR SUPPLYING THE EVENING LAW SCHOOL OF THE BOSTON YOUNG MEN'S CHRISTIAN ASSOCIATION WITH THE ANNUAL BLUE BOOK.

*Chap. 50*

*Be it enacted, etc., as follows:*

The Evening Law School of the Boston Young Men's Christian Association shall annually receive a copy of the volume provided for by section one of chapter nine of the Revised Laws and known as the blue book.

Evening Law School of Boston Young Men's Christian Association to receive copy of blue book.

*Approved February 10, 1909.*

**Chap. 51** AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND  
EXPENSES OF THE STATE BOARD OF CONCILIATION AND  
ARBITRATION.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the board of conciliation and arbitration, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Board of conciliation and arbitration.

For the salaries of the members of the board, seventy-five hundred dollars.

Secretary.

For the salary of the secretary of the board, fifteen hundred dollars.

Expenses.

For travelling, incidental and contingent expenses of the board, the same to include the printing and binding of the annual report, and the compensation of expert assistants, a sum not exceeding twelve thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 10, 1909.*

**Chap. 52** AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND  
EXPENSES OF THE DISTRICT POLICE.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Chief of district police.

For the salary of the chief of the district police, three thousand dollars.

First clerk.

For the salary of the first clerk, fifteen hundred dollars.

Second clerk.

For the salary of the second clerk, one thousand dollars.

Expenses.

For postage, printing, stationery, telephone, telegraph, incidental and contingent office expenses, including the printing and binding of the annual report, a sum not exceeding nine thousand dollars.

DETECTIVE DEPARTMENT.

For the salary of the deputy chief of the detective department, twenty-four hundred dollars.	Deputy chief of detective department.
For the salary of the clerk of the detective department, twelve hundred dollars.	Clerk.
For the salaries of the stenographers in the detective department, three thousand dollars.	Stenographers.
For the compensation of members of the detective department, a sum not exceeding twenty-two thousand eight hundred dollars.	Members, compensation.
For the compensation of fire inspectors of the detective department, ten thousand eight hundred dollars.	Fire inspectors.
For travelling expenses of the members of the detective department, a sum not exceeding twelve thousand dollars.	Travelling expenses.
For special services and expenses of persons employed under the direction of the deputy chief of the detective department in the investigation of fires, including witness fees, travel, contingent and incidental expenses, a sum not exceeding seventeen hundred and fifty dollars.	Special services, etc.

INSPECTION DEPARTMENT.

For the salary of the deputy chief of the inspection department, twenty-four hundred dollars.	Deputy chief of inspection department.
For the salary of the chief inspector of the boiler inspection department, two thousand dollars.	Chief inspector.
For the salaries of the clerks in the inspection department, five thousand dollars.	Clerks.
For the compensation of members of the inspection department, a sum not exceeding sixty-eight thousand five hundred dollars.	Members, compensation.
For travelling expenses of the members of the inspection department, a sum not exceeding nineteen thousand dollars.	Travelling expenses.
For the compensation of members of the board of boiler rules, a sum not exceeding one thousand dollars.	Board of boiler rules.
For such necessary expenses as the board of boiler rules may find necessary, a sum not exceeding twelve hundred and fifty dollars.	Expenses.
For expenses of operating the steamer Lexington, which is in charge of the chief of the district police and is used	Steamer Lexington.

in the enforcement of the fish laws of the commonwealth, a sum not exceeding nine thousand dollars.

Moving picture  
licenses, etc.

For expenses in connection with maintaining in good working condition the apparatus for testing applicants for moving picture licenses and furnishing supplies to operate the same, a sum not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 10, 1909.*

**Chap. 53** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE JUDICIAL DEPARTMENT OF THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the judicial department of the commonwealth, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

SUPREME JUDICIAL COURT.

Chief justice  
and associate  
justices, su-  
preme judicial  
court.

For the salaries and travelling expenses of the chief justice and of the six associate justices of the supreme judicial court, sixty thousand dollars.

Clerk.

For the salary of the clerk of the supreme judicial court, three thousand dollars.

Clerical as-  
sistance to  
clerk.

For clerical assistance to the clerk of the supreme judicial court, five hundred dollars.

Clerical as-  
sistance to  
justices.

For clerical assistance to the justices of the supreme judicial court, a sum not exceeding twenty-five hundred dollars.

Expenses.

For expenses of the supreme judicial court, a sum not exceeding two thousand dollars.

Reporter of  
decisions, etc.

For the salary of the reporter of decisions of the supreme judicial court, four thousand dollars; and for clerk hire and incidental expenses of said reporter, a sum not exceeding forty-five hundred dollars.

Officers and  
messenger.

For the salaries of the officers and messenger of the supreme judicial court, twenty-four hundred dollars.

Clerk for  
Suffolk  
county.

For the salary of the clerk of the supreme judicial court for the county of Suffolk, fifteen hundred dollars.



For the salary of the assistant clerk of the supreme judicial court for the county of Suffolk, five hundred dollars. Assistant clerk, Suffolk county.

For the salaries of the retired justices of the supreme judicial court, eleven thousand two hundred and fifty dollars. Retired justices.

#### SUPERIOR COURT.

For the salaries and travelling expenses of the chief justice and of the twenty-four associate justices of the superior court, one hundred and seventy-five thousand five hundred dollars. Superior court, justices.

For the salary of the assistant clerk of the superior court, five hundred dollars. Assistant clerk.

For printing, transportation of papers and documents, and for incidental expenses of the superior court, a sum not exceeding four hundred dollars. Expenses.

#### COURTS OF PROBATE AND INSOLVENCY.

For the salary of the judge of probate and insolvency for the county of Barnstable, fourteen hundred dollars. Judge of probate and insolvency, Barnstable.

For the salary of the judge of probate and insolvency for the county of Berkshire, twenty-five hundred dollars. Berkshire.

For the salary of the judge of probate and insolvency for the county of Bristol, forty-two hundred dollars. Bristol.

For the salary of the judge of probate and insolvency for the county of Dukes County, nine hundred dollars. Dukes County.

For the salaries of the two judges of probate and insolvency for the county of Essex, eight thousand dollars. Essex.

For the salary of the judge of probate and insolvency for the county of Franklin, fifteen hundred dollars. Franklin.

For the salary of the judge of probate and insolvency for the county of Hampden, thirty-four hundred dollars. Hampden.

For the salary of the judge of probate and insolvency for the county of Hampshire, seventeen hundred dollars. Hampshire.

For the salaries of the two judges of probate and insolvency for the county of Middlesex, ten thousand dollars. Middlesex.

For the salary of the judge of probate and insolvency for the county of Nantucket, nine hundred dollars. Nantucket.

For the salary of the judge of probate and insolvency for the county of Norfolk, four thousand dollars. Norfolk.

For the salary of the judge of probate and insolvency for the county of Plymouth, twenty-six hundred dollars. Plymouth.

Suffolk.	For the salaries of the two judges of probate and insolvency for the county of Suffolk, twelve thousand dollars.
Worcester.	For the salaries of the two judges of probate and insolvency for the county of Worcester, seventy-five hundred dollars.
Retired judges.	For the salaries of retired judges of probate and insolvency, a sum not exceeding fifty-one hundred and fifty dollars.
Judges acting in other counties.	For the compensation of judges of probate and insolvency acting in other counties than their own, a sum not exceeding fifteen hundred dollars.
Register, Barnstable.	For the salary of the register of probate and insolvency for the county of Barnstable, thirteen hundred dollars.
Berkshire.	For the salary of the register of probate and insolvency for the county of Berkshire, eighteen hundred dollars.
Bristol.	For the salary of the register of probate and insolvency for the county of Bristol, thirty-five hundred dollars.
Dukes County.	For the salary of the register of probate and insolvency for the county of Dukes County, eight hundred dollars.
Essex.	For the salary of the register of probate and insolvency for the county of Essex, thirty-five hundred dollars.
Franklin.	For the salary of the register of probate and insolvency for the county of Franklin, fifteen hundred dollars.
Hampden.	For the salary of the register of probate and insolvency for the county of Hampden, twenty-eight hundred dollars.
Hampshire.	For the salary of the register of probate and insolvency for the county of Hampshire, sixteen hundred dollars.
Middlesex.	For the salary of the register of probate and insolvency for the county of Middlesex, four thousand dollars.
Nantucket.	For the salary of the register of probate and insolvency for the county of Nantucket, eight hundred dollars.
Norfolk.	For the salary of the register of probate and insolvency for the county of Norfolk, twenty-five hundred dollars.
Plymouth.	For the salary of the register of probate and insolvency for the county of Plymouth, twenty-one hundred dollars.
Suffolk.	For the salary of the register of probate and insolvency for the county of Suffolk, five thousand dollars.
Worcester.	For the salary of the register of probate and insolvency for the county of Worcester, thirty-five hundred dollars.
Assistant register, Barnstable.	For the salary of the assistant register of probate and insolvency for the county of Barnstable, five hundred and fifty dollars.

For the salary of the assistant register of probate and insolvency for the county of Berkshire, nine hundred dollars. Berkshire.

For the salary of the assistant register of probate and insolvency for the county of Bristol, seventeen hundred and fifty dollars. Bristol.

For the salary of the assistant register of probate and insolvency for the county of Essex, twenty-three hundred dollars. Essex.

For the salary of the assistant register of probate and insolvency for the county of Franklin, six hundred dollars. Franklin.

For the salary of the assistant register of probate and insolvency for the county of Hampden, fourteen hundred dollars. Hampden.

For the salary of the assistant register of probate and insolvency for the county of Hampshire, seven hundred dollars. Hampshire.

For the salaries of the assistant registers of probate and insolvency for the county of Middlesex, five thousand dollars. Middlesex.

For the salary of the assistant register of probate and insolvency for the county of Norfolk, twelve hundred and fifty dollars. Norfolk.

For the salary of the assistant register of probate and insolvency for the county of Suffolk, twenty-eight hundred dollars. Suffolk.

For the salary of the second assistant register of probate and insolvency for the county of Suffolk, twenty-five hundred dollars. Second assistant register, Suffolk.

For the salary of the assistant register of probate and insolvency for the county of Worcester, one thousand dollars. Assistant register, Worcester.

For extra clerical assistance to the register of probate and insolvency for the county of Barnstable, a sum not exceeding four hundred thirty-three dollars and thirty-four cents. Clerical assistance, Barnstable.

For extra clerical assistance to the register of probate and insolvency for the county of Berkshire, a sum not exceeding six hundred dollars. Berkshire.

For extra clerical assistance to the register of probate and insolvency for the county of Bristol, a sum not exceeding two thousand sixty-six dollars and sixty-seven cents. Bristol.

- Dukes County. For extra clerical assistance to the register of probate and insolvency for the county of Dukes County, a sum not exceeding two hundred sixty-six dollars and sixty-seven cents.
- Essex. For extra clerical assistance to the register of probate and insolvency for the county of Essex, a sum not exceeding seven thousand sixteen dollars and sixty-seven cents.
- Hampden. For extra clerical assistance to the register of probate and insolvency for the county of Hampden, a sum not exceeding twenty-one hundred thirty-three dollars and thirty-three cents.
- Hampshire. For extra clerical assistance to the register of probate and insolvency for the county of Hampshire, a sum not exceeding six hundred dollars.
- Middlesex. For extra clerical assistance to the register of probate and insolvency for the county of Middlesex, a sum not exceeding sixty-eight hundred thirty-three dollars and thirty-three cents.
- Nantucket. For extra clerical assistance to the register of probate and insolvency for the county of Nantucket, a sum not exceeding three hundred dollars.
- Norfolk. For extra clerical assistance to the register of probate and insolvency for the county of Norfolk, a sum not exceeding two thousand thirty-three dollars and thirty-three cents.
- Plymouth. For extra clerical assistance to the register of probate and insolvency for the county of Plymouth, a sum not exceeding twenty-one hundred dollars.
- Suffolk. For extra clerical assistance to the register of probate and insolvency for the county of Suffolk, a sum not exceeding seventy-one hundred dollars.
- Worcester. For extra clerical assistance to the register of probate and insolvency for the county of Worcester, a sum not exceeding forty-five hundred sixteen dollars and sixty-six cents.
- Clerk of register, Suffolk. For the salary of the clerk of the register of probate and insolvency for the county of Suffolk, twelve hundred dollars.
- Expenses. For expenses of courts of probate and insolvency, a sum not exceeding five hundred dollars.

DISTRICT ATTORNEYS.

For the salary of the district attorney for the Suffolk district, five thousand dollars.	District attorney, Suffolk.
For the salary of the first assistant district attorney for the Suffolk district, thirty-eight hundred dollars.	First assistant.
For the salary of the second assistant district attorney for the Suffolk district, thirty-eight hundred dollars.	Second assistant.
For the salary of the third assistant district attorney for the Suffolk district, thirty-eight hundred dollars.	Third assistant.
For the salary of the clerk of the district attorney for the Suffolk district, eighteen hundred dollars.	Clerk.
For the salary of the district attorney for the northern district, three thousand dollars.	Northern district.
For the salary of the assistant district attorney for the northern district, two thousand dollars.	Assistant.
For the salary of the district attorney for the eastern district, twenty-four hundred dollars.	Eastern district.
For the salary of the assistant district attorney for the eastern district, sixteen hundred dollars.	Assistant.
For the salary of the district attorney for the southeastern district, twenty-four hundred dollars.	Southeastern district.
For the salary of the assistant district attorney for the southeastern district, sixteen hundred dollars.	Assistant.
For the salary of the district attorney for the southern district, twenty-four hundred dollars.	Southern district.
For the salary of the assistant district attorney for the southern district, sixteen hundred dollars.	Assistant.
For the salary of the district attorney for the middle district, twenty-four hundred dollars.	Middle district.
For the salary of the assistant district attorney for the middle district, sixteen hundred dollars.	Assistant.
For the salary of the district attorney for the western district, twenty-four hundred dollars.	Western district.
For the salary of the district attorney for the northwestern district, thirteen hundred and fifty dollars.	Northwestern district.
For travelling expenses necessarily incurred by the district attorneys and assistant district attorneys, except in the Suffolk district, a sum not exceeding fifteen hundred dollars.	Travelling expenses.



## LAND COURT.

Judge of land court.	For the salary of the judge of the land court, six thousand dollars.
Associate judge.	For the salary of the associate judge of the land court, six thousand dollars.
Recorder.	For the salary of the recorder of the land court, forty-five hundred dollars.
Clerical assistance.	For clerical assistance in the office of the land court, a sum not exceeding six thousand dollars.
Expenses.	For sheriffs' bills, advertising, surveying, examining titles, and sundry incidental expenses of the land court, a sum not exceeding twenty thousand dollars.
Retired judges.	For the salaries of retired judges of the land court, a sum not exceeding thirty-three hundred dollars.
Commission on probation.	For expenses of the commission on probation, a sum not exceeding five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 15, 1909.*

**Chap. 54** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE ADJUTANT GENERAL, AND FOR SUNDRY MILITARY EXPENSES.

*Be it enacted, etc., as follows:*

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for salaries and expenses in the department of the adjutant general and for sundry military expenses, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —
Adjutant general.	For the salary of the adjutant general, thirty-six hundred dollars.
Clerks.	For the salaries of the four clerks in his department, seven thousand dollars.
Messenger.	For the salary of the messenger in his department, eight hundred dollars.
Clerical assistance.	For such additional clerical assistance as the adjutant general may find necessary, a sum not exceeding six thousand dollars.
Expenses.	For incidental and contingent office expenses in his department, including the printing and binding of the

annual report, a sum not exceeding five thousand dollars.

For expenses in connection with military accounts not otherwise provided for, a sum not exceeding four thousand dollars.

Military accounts.

For compensation of officers and men of the volunteer militia, a sum not exceeding one hundred and sixty thousand dollars.

Compensation of officers and men of the militia.

For the transportation of officers and men of the volunteer militia, when on military duty, a sum not exceeding twenty-five thousand dollars.

Transportation.

For an allowance to commissioned officers of the militia toward the purchase of uniforms, a sum not exceeding eighteen thousand one hundred and sixty-five dollars.

Purchase of uniforms.

For allowance to officers of the militia for the care of and responsibility for property, a sum not exceeding six thousand and fifty dollars.

Care, etc., of property.

For allowance and repairs of clothing of the volunteer militia, a sum not exceeding thirteen thousand three hundred and twenty-four dollars.

Repair of clothing.

For allowance to headquarters and companies, a sum not exceeding thirty-eight hundred dollars.

Allowance to headquarters, etc.

For services of company armorers, a sum not exceeding twelve thousand three hundred and seventy-five dollars.

Company armorers.

For giving instruction in riding to non-commissioned officers and others who are required by law to be mounted, a sum not exceeding fifty-three hundred and twenty dollars.

Instruction in riding.

For furnishing the officers and men of the organized militia with uniform instruction in military authority, organization and administration, and in the elements of military art, a sum not exceeding four thousand dollars.

Instruction in military authority, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved February 15, 1909.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE BOARD OF INSANITY.

*Chap. 55*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the state board of

Appropriations.

insanity, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

State board of insanity, expenses.

For travelling, office and contingent expenses, including the printing and binding of the annual report of the board, a sum not exceeding seven thousand dollars.

Officers and employees.

For salaries and wages of officers and employees, a sum not exceeding twenty-nine thousand three hundred dollars.

Transportation, etc., of state paupers.

For transportation and medical examination of state paupers under the charge of the board, for the present year and for previous years, a sum not exceeding eleven thousand five hundred dollars.

Support of certain insane paupers.

For the support of insane paupers boarded out in families, under the charge of the board or temporarily absent under authority of the same, for the present year and for previous years, a sum not exceeding thirty-eight thousand dollars.

Support of certain state paupers.

For the support of state paupers in the Hospital Cottages for Children, a sum not exceeding twelve thousand dollars.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 15, 1909.*

*Chap. 56* AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE BOARD OF AGRICULTURE, AND FOR SUNDRY AGRICULTURAL EXPENSES.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Secretary of state board of agriculture, etc.

For the salary of the secretary of the state board of agriculture and executive officer of the state dairy bureau, three thousand dollars.

First clerk.

For the salary of the first clerk of the secretary of the said board, eighteen hundred dollars.

Second clerk.

For the salary of the second clerk of the secretary of the board, fourteen hundred dollars.

Expenses, etc., of secretary.

For travelling and other necessary expenses of the secretary of the board, a sum not exceeding five hundred dollars.

For other clerical assistance in the office of the secretary of the board, and for lectures before the board at its annual and other meetings, a sum not exceeding seven hundred dollars.

Clerical assistance.

For printing and binding the annual report of the board, a sum not exceeding six thousand dollars.

Annual report.

For incidental and contingent expenses of the board, to include the printing and furnishing of extracts from trespass laws, a sum not exceeding eleven hundred dollars.

Incidental expenses, etc.

For travelling and other necessary expenses of the members of the board, a sum not exceeding fifteen hundred dollars.

Travelling, etc., expenses.

For disseminating useful information in agriculture by means of lectures at farmers' institutes, a sum not exceeding four thousand dollars.

Farmers' institutes.

For bounties to agricultural societies, a sum not exceeding eighteen thousand six hundred dollars.

Bounties.

For the salary of the general agent of the dairy bureau, eighteen hundred dollars.

Agent of dairy bureau.

For assistants, experts, chemists, agents and other necessary expenses of the dairy bureau, to include the printing of the annual report, a sum not exceeding eight thousand dollars.

Experts, chemists, etc.

For compensation and expenses of state nursery inspectors, a sum not exceeding two thousand dollars.

Nursery inspectors.

For the salary of the state ornithologist, five hundred dollars.

Ornithologist.

For travelling and other necessary expenses of the state ornithologist, a sum not exceeding five hundred dollars.

Travelling expenses, etc.

#### CATTLE BUREAU.

For the salary of the chief of the cattle bureau, eighteen hundred dollars.

Chief of cattle bureau.

For the salary of the clerk of the chief of the cattle bureau, twelve hundred dollars.

Clerk.

For travelling and other necessary expenses of the chief of the cattle bureau, including extra clerks and stenographers, stationery, and the printing and binding of the annual report, a sum not exceeding four thousand dollars.

Expenses.

For compensation of inspectors of animals, a sum not exceeding sixty-five hundred dollars.

Inspectors of animals.

## STATE FORESTER.

State forester. For the salary of the state forester, three thousand dollars.

Clerical assistance, etc. For clerical assistance to and incidental and contingent expenses of the state forester, a sum not exceeding ten thousand dollars.

Purchase of land. For the purchase of land by the state forester for reforestation, a sum not exceeding ten thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 15, 1909.*

*Chap. 57* AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE BOARD OF EDUCATION, AND FOR SUNDRY EDUCATIONAL EXPENSES.

*Be it enacted, etc., as follows:*

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for salaries and expenses in the office of the state board of education, and for sundry educational expenses, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

Secretary and agents of state board of education. For the salaries of the secretary and agents of and for clerical assistance to the board, a sum not exceeding seventeen thousand four hundred and twenty dollars.

Expenses. For the incidental expenses of the board and the travelling and other necessary expenses of the members thereof, incurred in the performance of their official duties, a sum not exceeding twenty-six hundred dollars.

Annual report. For printing and binding the annual report of the said board, a sum not exceeding three thousand dollars.

Expenses of employees. For travelling expenses of employees under the direction of the said board, a sum not exceeding seventeen hundred dollars.

## SUPPORT OF STATE NORMAL SCHOOLS.

State normal school, Bridgewater. For the support of the state normal school at Bridgewater, a sum not exceeding fifty-two thousand nine hundred and ninety-one dollars.



For the support of the state normal school at Fitchburg, Fitchburg.  
a sum not exceeding thirty-four thousand six hundred and  
eighty dollars.

For the support of the state normal school at Framing- Framingham.  
ham, a sum not exceeding thirty-nine thousand eight hun-  
dred and forty-three dollars.

For the support of the state normal school at Hyannis, Hyannis.  
a sum not exceeding twenty-four thousand dollars.

For the support of the state normal school at Lowell, Lowell.  
a sum not exceeding thirty-three thousand three hundred  
and sixty-five dollars.

For the support of the state normal school at North North Adams.  
Adams, a sum not exceeding thirty-two thousand seven  
hundred and eight dollars.

For the support of the state normal school at Salem, a Salem.  
sum not exceeding forty-one thousand one hundred and  
fifty dollars.

For the support of the state normal school at Westfield, Westfield.  
a sum not exceeding thirty-two thousand four hundred and  
ten dollars.

For the support of the state normal school at Worcester, Worcester.  
a sum not exceeding twenty-seven thousand and fifty-five  
dollars.

For the support of the state normal art school, a sum not State normal  
exceeding thirty-four thousand five hundred and seventeen art school.  
dollars.

For aid to pupils in state normal schools, a sum not ex- Aid to pupils.  
ceeding four thousand dollars, payable in semi-annual in-  
stalments, to be expended under the direction of the state  
board of education.

For expenses of teachers' institutes, a sum not exceeding Teachers'  
two thousand dollars. institutes.

For the Massachusetts Teachers' Association, the sum of Massachusetts  
three hundred dollars, subject to the approval of the state Teachers'  
board of education. Association.

For expenses of county teachers' associations, a sum not County  
exceeding seven hundred dollars. teachers'  
associations.

To enable small towns to provide themselves with school School superin-  
superintendents, a sum not exceeding ninety-five thousand tendents, etc.  
dollars.

For the education of deaf pupils of the commonwealth Education of  
in the schools designated by law, for the present year and deaf pupils.

for previous years, a sum not exceeding ninety-eight thousand dollars.

School blanks.

For school registers and other school blanks for the cities and towns of the commonwealth, a sum not exceeding twelve hundred dollars.

Perkins Institution and Massachusetts School for the Blind.

For the Perkins Institution and Massachusetts School for the Blind, as provided for by chapter nineteen of the resolves of the year eighteen hundred and sixty-nine, the sum of thirty thousand dollars.

Tuition, etc., of certain children in high schools.

For the payment of tuition of children in high schools outside of the town in which they live, in so far as such payment is provided for by section three of chapter forty-two of the Revised Laws, as amended by chapter four hundred and thirty-three of the acts of the year nineteen hundred and two, for the present year and for previous years, a sum not exceeding fifty-eight thousand dollars. And there may also be paid from this amount such sum as may be necessary to furnish or provide transportation to and from school for such children of school age as may be living upon islands within the commonwealth which are not provided with schools.

Instruction of adult blind at their homes.

To provide for the instruction of the adult blind at their homes by the Perkins Institution and Massachusetts School for the Blind, the sum of five thousand dollars.

Rules for testing sight and hearing of pupils.

For expenses in connection with furnishing school committees with rules for testing the sight and hearing of pupils in the schools of the commonwealth, a sum not exceeding eight hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 15, 1909.*

## Chap. 58

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE BUREAU OF STATISTICS OF LABOR.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for salaries and expenses in the bureau of statistics of labor, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

Chief of bureau of statistics of labor.

For the salary of the chief of the bureau, three thousand dollars.

First clerk.

For the salary of the first clerk, two thousand dollars.

For the salary of the second clerk, sixteen hundred and fifty dollars. Second clerk.

For the salaries of the two special agents, the sum of twenty-four hundred dollars. Special agents.

For such additional clerical assistance as may be necessary, a sum not exceeding thirty-four thousand six hundred dollars. Clerical assistance.

For necessary contingent and office expenses, including the printing and binding of the annual reports, and travelling and other expenses in connection with the annual collection of statistics of manufactures, also such expenses as may be necessary in connection with the making of annual returns by cities and towns, a sum not exceeding fifteen thousand nine hundred and twenty dollars. Expenses.

For expenses in connection with taking a special census in towns having an increased resident population during the summer months, a sum not exceeding one thousand dollars. Special census.

For expenses in connection with the establishment and maintenance of free employment offices, a sum not exceeding twenty-one thousand dollars. Free employment offices.

SECTION 2. This act shall take effect upon its passage.

*Approved February 15, 1909.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE COMMISSIONER OF WEIGHTS AND MEASURES. Chap. 59

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for salaries and expenses in the department of the commissioner of weights and measures, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:— Appropriations.

For the salary of the commissioner, two thousand dollars. Commissioner of weights and measures.

For the salaries of the inspectors in the department, forty-eight hundred dollars. Inspectors.

For clerical services, travelling and other necessary contingent office expenses, a sum not exceeding sixty-nine hundred and eighty dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

*Approved February 15, 1909.*

*Chap. 60* AN ACT RELATIVE TO THE DISPLAY OF THE NATIONAL AND STATE FLAGS ON STATE BUILDINGS.

*Be it enacted, etc., as follows:*

National and state flags to be displayed on state buildings.

The flag of the United States and the flag of the commonwealth shall be displayed on the main or administration building of each of the public institutions of the commonwealth. The flags shall be of suitable dimensions and shall be flown every day when the weather permits. The cost of such flags and of the necessary means for their display shall be paid from the appropriations for the several institutions. *Approved February 15, 1909.*

*Chap. 61* AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE BOARD OF HEALTH.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for salaries and expenses in the office of the state board of health, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Secretary of state board of health.

For the salary of the secretary of the state board of health, five thousand dollars.

Expenses.

For the general work of the said board, including all necessary travelling expenses, a sum not exceeding twenty thousand dollars.

Inspection of milk, food and drugs.

For salaries and expenses in connection with the inspection of milk, food and drugs, a sum not exceeding fourteen thousand five hundred dollars.

Examination of sewer outlets.

For expenses in connection with the examination of sewer outlets, a sum not exceeding twelve thousand dollars.

Distribution, etc., of antitoxin and vaccine lymph.

For expenses in connection with the production and distribution of antitoxin and vaccine lymph, a sum not exceeding twenty thousand dollars.

Annual report.

For printing and binding the annual report, a sum not exceeding three thousand dollars.

Engineers, chemists, etc.

For services of engineers, chemists, biologists and other assistants, and for other expenses made necessary in pro-

teeting the purity of inland waters, a sum not exceeding thirty-six thousand dollars.

For salaries of the inspectors of health, a sum not exceeding twenty-five thousand dollars. Inspectors of health.

For expenses necessary in carrying out the provisions of the act to provide for the establishment of health districts, a sum not exceeding five thousand dollars. Health districts.

SECTION 2. This act shall take effect upon its passage.

*Approved February 15, 1909.*

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE STATE FARM. Chap. 62

*Be it enacted, etc., as follows:*

SECTION 1. A sum not exceeding two hundred and ninety-four thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance of the state farm during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine. State farm.

SECTION 2. This act shall take effect upon its passage.

*Approved February 15, 1909.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE INSURANCE COMMISSIONER. Chap. 63

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the insurance department, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:— Appropriations.

For the salary of the insurance commissioner, five thousand dollars. Insurance commissioner.

For the salary of the deputy insurance commissioner, thirty-five hundred dollars. Deputy.

For the salary of the examiner, three thousand dollars. Examiner.

For the salary of the actuary, two thousand dollars. Actuary.

For the salary of the chief clerk, two thousand dollars. Chief clerk.

For the salary of the second clerk, fifteen hundred dollars. Second clerk.



Third clerk.	For the salary of the third clerk, twelve hundred dollars.
Additional clerks, etc.	For such additional clerks and assistants as the insurance commissioner may find necessary for the proper despatch of public business, a sum not exceeding thirty-seven thousand five hundred dollars.
Expenses.	For incidental and contingent expenses of the insurance commissioner, a sum not exceeding eleven thousand dollars.
Annual report.	For printing and binding the annual report of the insurance commissioner, a sum not exceeding fifty-eight hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 15, 1909.*

**Chap. 64** AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE COMMISSIONERS ON FISHERIES AND GAME.

*Be it enacted, etc., as follows:*

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—
Commissioners on fisheries and game.	For compensation of the commissioners on fisheries and game, a sum not exceeding fifty-six hundred and thirty dollars.
Expenses.	For travelling and other necessary expenses of the commissioners, including the printing and binding of the annual report, a sum not exceeding four thousand and seventy-five dollars.
Clerical services.	For clerical services in the office of the commissioners, a sum not exceeding twenty-three hundred and twenty-five dollars.
Enforcement of laws, propagation of fish, etc.	For the enforcement of the laws relating to fisheries and game, for the propagation and distribution of fish, birds and other animals, and for running expenses, rent and maintenance of hatcheries, a sum not exceeding forty-six thousand six hundred dollars.
Stocking great ponds.	For the expense of stocking great ponds with food fish, a sum not exceeding five hundred dollars.
Stocking brooks.	For the expense of stocking brooks with food fish, a sum not exceeding one hundred dollars.

For the protection of lobsters with eggs attached, a sum not exceeding four thousand dollars.

Protection of lobsters.

SECTION 2. This act shall take effect upon its passage.

*Approved February 16, 1909.*

AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH THE ESTABLISHMENT OF LIFE INSURANCE DEPARTMENTS BY SAVINGS BANKS.

*Chap. 65*

*Be it enacted, etc., as follows:*

SECTION 1. A sum not exceeding twelve thousand five hundred dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for salaries and expenses in connection with the establishment of life insurance departments by savings banks, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, as authorized by chapter five hundred and sixty-one of the acts of the year nineteen hundred and seven.

Establishment of life insurance departments by savings banks.

SECTION 2. This act shall take effect upon its passage.

*Approved February 16, 1909.*

AN ACT RELATIVE TO THE TERMS OF OFFICE OF THE ELECTRIC LIGHT COMMISSIONERS OF THE CITY OF CHICOPEE.

*Chap. 66*

*Be it enacted, etc., as follows:*

SECTION 1. Section two of chapter three hundred and ninety-seven of the acts of the year nineteen hundred and seven is hereby amended by striking out the words "day of January", in the ninth line, and inserting in place thereof the words:—Monday of February,—so as to read as follows:—*Section 2.* Such appointments shall be made annually in the month of January unless a different mode of appointment is provided for in the charter of the city, and the term of office of the members of said board shall be three years: *provided, however,* that the members first appointed may be appointed at any time after the passage of this act and shall hold office for one year, two years and three years, respectively, as designated by the mayor, from the first Monday of February next succeeding the time of their appointment. Members of

1907, 397, § 2, amended.

Appointments to be made annually.

Proviso.

the said board may be removed by the mayor for cause, and vacancies shall be filled by appointment for the residue of the unexpired term, in the same manner in which the original appointments are made. The members of the board shall receive such compensation as the board of aldermen may fix.

SECTION 2. This act shall take effect upon its passage.

*Approved February 17, 1909.*

**Chap. 67** AN ACT RELATIVE TO THE REPORT OF THE STATE BOARD OF PUBLICATION.

*Be it enacted, etc., as follows:*

Certain provisions of law not to apply to report of state board of publication.

THE provisions of the last clause of section seven of chapter nine of the Revised Laws, requiring annual reports from state boards, shall not apply to the report of the state board of publication, and that board may report to the general court at such times as it deems expedient.

*Approved February 17, 1909.*

**Chap. 68** AN ACT RELATIVE TO THE ELECTION OF THE TREASURER OF THE CITY OF SPRINGFIELD.

*Be it enacted, etc., as follows:*

City treasurer of Springfield, election, etc.

SECTION 1. At the annual municipal election in the city of Springfield held next after this act takes effect, and every second year thereafter, the treasurer of said city shall be elected by the qualified voters of the city voting in their respective precincts. He shall be elected by ballot, and shall hold his office for two years from the first Monday in January following his election, and until his successor is elected and qualified.

Repeal.

SECTION 2. So much of the charter of said city and of the amendments thereto as is inconsistent herewith is hereby repealed.

When to take effect.

SECTION 3. This act shall take effect upon its acceptance by a majority of the qualified voters of the city of Springfield, present and voting in their respective precincts, at the next municipal election following the passage of this act.

*Approved February 17, 1909.*

AN ACT RELATIVE TO THE TERM OF OFFICE OF THE MAYOR *Chap. 69*  
OF THE CITY OF SPRINGFIELD.

*Be it enacted, etc., as follows:*

SECTION 1. At the annual municipal election in the city of Springfield held next after this act takes effect, and every second year thereafter, the mayor of said city shall be elected by the qualified voters of the city voting in their respective precincts. He shall be elected by ballot, and shall hold his office for two years from the first Monday in January following his election, and until his successor is elected and qualified.

Mayor of city of Springfield, election, term, etc.

SECTION 2. So much of the charter of said city and of the amendments thereto as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its acceptance by a majority of the qualified voters of the city of Springfield, present and voting in their respective precincts, at the next municipal election following the passage of this act.

When to take effect.

*Approved February 17, 1909.*

AN ACT TO AUTHORIZE THE OLD COLONY STREET RAILWAY *Chap. 70*  
COMPANY TO EXTEND ITS SERVICE INTO THE GROUNDS OF  
THE FORE RIVER SHIPBUILDING COMPANY.

*Be it enacted, etc., as follows:*

SECTION 1. The Old Colony Street Railway Company, with the consent of the Fore River Shipbuilding Company, which consent said Fore River Shipbuilding Company is hereby authorized to give, may operate cars by the overhead electric trolley system of motive power over the tracks of the Fore River Shipbuilding Company's railroad for private use, in the city of Quincy, and for that purpose may construct and maintain the poles and wires incident to such trolley system, to such extent and under such rules and regulations as the board of railroad commissioners shall determine to be consistent with public safety.

The Old Colony Street Railway Company may extend its service into grounds of the Fore River Shipbuilding Company.

SECTION 2. This act shall take effect upon its passage.

*Approved February 17, 1909.*

**Chap. 71** AN ACT TO INCORPORATE THE WINCHESTER HOSPITAL.*Be it enacted, etc., as follows:*

The  
Winchester  
Hospital  
incorporated.

SECTION 1. Lewis Parkhurst, George Harrington, Preston Pond, William D. Richards, Alfred S. Higgins, Nelson H. Seelye, John L. Ayer and William B. French, their associates and successors, are hereby made a corporation by the name of The Winchester Hospital, for the purpose of establishing and maintaining a hospital in the town of Winchester for the care and treatment of sick and disabled persons, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force relating to such corporations.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1909.*

**Chap. 72** AN ACT RELATIVE TO WIRES AND ELECTRICAL APPLIANCES  
IN THE CITY OF SPRINGFIELD.*Be it enacted, etc., as follows:*

Removal of  
wires, etc., in  
city of Spring-  
field limited.

SECTION 1. During the year nineteen hundred and ten, and during each year thereafter, the owners or users of wires, cables, conductors and poles to which the provisions of section two of chapter two hundred and seventy-six of the acts of the year nineteen hundred, as amended by chapter one hundred and eighty-one of the acts of the year nineteen hundred and one, apply, shall not be required to remove or place said wires, cables and conductors underground, or to remove any poles or structures used in the streets to support such wires, cables or conductors, in more than one mile of streets; and the officer or officers named in said section, shall, in the notice therein required to be given, limit the part of the district from which such removal is to take place to one mile of streets.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1909.*



AN ACT TO AUTHORIZE THE CITY OF SPRINGFIELD TO PAY *Chap. 73*  
A SUM OF MONEY TO THE WIDOW OF DANIEL J. DONOVAN.

*Be it enacted, etc., as follows:*

SECTION 1. The city of Springfield is hereby authorized to pay a sum of money not exceeding one thousand dollars to the widow of Daniel J. Donovan, a police officer who was accidentally killed at the police station in the city of Springfield on the twenty-ninth day of September, nineteen hundred and eight.

City of Springfield may pay a sum of money to the widow of Daniel J. Donovan.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 18, 1909.*

AN ACT TO EXEMPT THE TOWNS OF HINGHAM AND HULL *Chap. 74*  
FROM CERTAIN PROVISIONS OF LAW RELATIVE TO THE  
METROPOLITAN WATER SYSTEM.

*Be it enacted, etc., as follows:*

SECTION 1. Section twenty-three of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five is hereby amended by inserting after the word "town", in the first line, the words:—except the towns of Hingham and Hull,—so as to read as follows:—*Section 23.* No city or town, except the towns of Hingham and Hull, any part of which is within ten miles of the state house, or any water company owning a water pipe system in any such city or town shall, except in case of emergency, use, for domestic purposes water from any source not now used by it except as herein provided or as shall be hereafter authorized by the legislature. If any town or towns in said district shall take the franchise, works and property in such town or towns, of any water company, the compensation to be allowed and paid therefor shall not be increased or decreased by reason of the provisions of this act. No town in said water district now supplied with water by a water company owning the water pipe system in such town, shall introduce water from the metropolitan water works until it shall first have acquired the works of such company.

1895, 488, § 23, amended.

Use of water by certain cities and towns restricted, etc.

SECTION 2. This act shall be given effect as if the exception were originally a part of said section twenty-three of chapter four hundred and eighty-eight of the acts of the

Not to affect certain rights, etc.

year eighteen hundred and ninety-five, except that it shall not be construed as affecting the provisions of chapter three hundred and thirty-six of the acts of the year eighteen hundred and ninety-seven, so far as the same apply to said towns of Hingham and Hull, and shall not be so construed as to affect the rights of any third party for damages for any taking made prior to the passage of this act.

SECTION 3. This act shall take effect upon its passage.  
*Approved February 18, 1909.*

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**Chap. 75** AN ACT MAKING AN APPROPRIATION FOR THE IMPROVEMENT OF A CERTAIN CHANNEL IN PLYMOUTH HARBOR.

*Be it enacted, etc., as follows:*

Dredging  
Plymouth  
harbor.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for expenses in connection with dredging a channel in Plymouth harbor and for dredging a basin for turning vessels at the inner end of the same, as authorized by chapter five hundred and thirty-one of the acts of the year nineteen hundred and seven, the same to be in addition to any amount heretofore appropriated for this purpose.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 18, 1909.*

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**Chap. 76** AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO MAKE AN ADDITIONAL WATER LOAN.

*Be it enacted, etc., as follows:*

Brockton  
Water Loan,  
1909.

SECTION 1. The city of Brockton, for the purposes mentioned in chapter one hundred and twenty-four of the acts of the year eighteen hundred and seventy-eight, may issue from time to time bonds, notes or scrip to an amount not exceeding one hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by said city for water works purposes; but the same shall not be reckoned in determining the statutory limit of indebtedness of the city. Such bonds, notes or scrip shall bear on their face the words, Brockton Water Loan, 1909; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest,

payable semi-annually, at a rate not exceeding four and one half per cent per annum; and shall be signed by the treasurer of the city and countersigned by the mayor. The city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof; and *provided, further*, that no part of the proceeds of the sale of said notes, bonds or scrip shall be used in payment of running expenses.

Provisos.

SECTION 2. Said city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of any of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said city, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of said city in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished.

Payment of loan.

SECTION 3. This act shall take effect upon its acceptance by the city council of said city.

When to take effect.

*Approved February 18, 1909.*

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AN ACT RELATIVE TO THE FUND FOR THE SUPPORT OF A CONGREGATIONAL GOSPEL MINISTER IN THE FIRST PARISH IN BRADFORD.

*Chap. 77*

*Be it enacted, etc., as follows:*

Section three of an act passed by the general court of Massachusetts February tenth, eighteen hundred and four, entitled "An Act to Incorporate certain persons as Trustees of a Fund for the support of a Congregational Gospel Minister in the First Parish in Bradford, in the county of Essex", is hereby amended by striking out the words "the annual income of which shall not exceed nine

Certain act of 1804 amended.

Fund to be  
put to use or  
interest, etc.

Proviso.

hundred dollars", in the fourteenth and fifteenth lines, and inserting in place thereof the words:— to an amount not exceeding fifty thousand dollars,— so as to read as follows:— *Section 3. And be it further enacted*, That the aforesaid fund shall be put to use or interest, and the annual interest of said fund shall be applied to discharge the salary of the congregational gospel minister now settled, or that may hereafter be settled in the said first parish: *provided, however*, that should the said trustees be possessed of a capital, the annual interest whereof shall be more than sufficient to discharge the salary aforesaid, the surplus sum may be applied to the payment of the other necessary expenses arising from supporting said congregational worship, or for the support of schools, as the said trustees from time to time shall direct; or the same may be appropriated to augment said fund, within the limitation hereafter expressed. And the said trustees are hereby made capable of holding as aforesaid, real and personal estate, to an amount not exceeding fifty thousand dollars; and no part of the capital of said fund shall ever be expended.

*Approved February 18, 1909.*

**Chap. 78** AN ACT RELATIVE TO THE RATE OF TAXATION IN THE CITY OF CHELSEA.

*Be it enacted, etc., as follows:*

Taxes in the  
city of Chelsea  
not to exceed a  
certain rate.

**SECTION 1.** The taxes assessed on property in the city of Chelsea, exclusive of the state tax and sums required by law to be raised on account of the city debt, shall not in the years nineteen hundred and nine, nineteen hundred and ten and nineteen hundred and eleven, exceed fourteen dollars on every one thousand dollars of the assessors' valuation of the taxable property in said city for the year preceding that in which the assessment of taxes is made for said three years, respectively, said valuation being first reduced by the amount of all abatements allowed thereon previous to the thirty-first day of December in the year preceding the assessment for each of said three years, subject to the provision that, if the Chelsea Board of Control so determines, the average of the assessors' valuation of the taxable property in said city for the three years preceding the assessment of taxes for each of the years nineteen hundred and nine, nineteen hundred and

ten and nineteen hundred and eleven, or for any of said years, reduced by the amount of all abatements allowed as aforesaid, shall be used to determine the limit of taxation instead of the assessors' valuation of the preceding year.

SECTION 2. The provisions of section fifty-four of chapter twelve of the Revised Laws and of acts in amendment thereof, so far as they are inconsistent herewith, shall not apply to the city of Chelsea until after the year nineteen hundred and eleven.

Certain provisions of law not to apply.

SECTION 3. This act shall take effect upon its passage.

*Approved February 19, 1909.*

AN ACT MAKING AN APPROPRIATION FOR THE SOLDIERS' HOME IN MASSACHUSETTS. *Chap. 79*

*Be it enacted, etc., as follows:*

SECTION 1. The sum of eighty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, to the Trustees of the Soldiers' Home in Massachusetts, toward the support of said home, as authorized by chapter sixteen of the resolves of the present year.

Trustees of the Soldiers' Home.

SECTION 2. This act shall take effect upon its passage.

*Approved February 23, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE MASSACHUSETTS HOSPITAL SCHOOL. *Chap. 80*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the Massachusetts hospital school during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

Massachusetts hospital school.

From the receipts of said hospital now in the treasury of the commonwealth, the sum of twenty-eight hundred sixty-one dollars and forty-seven cents; and from the treasury of the commonwealth from the ordinary revenue, a sum in addition not exceeding thirty-seven thousand one hundred thirty-eight dollars and fifty-three cents.

SECTION 2. This act shall take effect upon its passage.

*Approved February 24, 1909.*



*Chap. 81* AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE LYMAN SCHOOL FOR BOYS.

*Be it enacted, etc., as follows:*

Lyman school  
for boys.

SECTION 1. A sum not exceeding one hundred and three thousand nine hundred dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance of the Lyman school for boys during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine.

SECTION 2. This act shall take effect upon its passage.

*Approved February 24, 1909.*

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*Chap. 82* AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

*Be it enacted, etc., as follows:*

State  
industrial  
school for  
girls.

SECTION 1. A sum not exceeding sixty-three thousand four hundred and thirty dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance of the state industrial school for girls during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine.

SECTION 2. This act shall take effect upon its passage.

*Approved February 24, 1909.*

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*Chap. 83* AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE WRENTHAM STATE SCHOOL.

*Be it enacted, etc., as follows:*

Wrentham  
state school.

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the Wrentham state school during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

From the receipts of said school now in the treasury of the commonwealth, the sum of seven hundred eighteen dollars and ninety-six cents; and from the treasury of the commonwealth from the ordinary revenue, a sum in addition not exceeding twenty-two thousand two hundred eighty-one dollars and four cents.

SECTION 2. This act shall take effect upon its passage.

*Approved February 24, 1909.*

AN ACT TO AUTHORIZE THE CITY OF SPRINGFIELD TO INCUR  
INDEBTEDNESS FOR A MUNICIPAL BUILDING. *Chap. 84*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Springfield, for the purpose of erecting a building or buildings for municipal purposes, may incur indebtedness to an amount not exceeding one million dollars, and may issue bonds, notes or scrip therefor, to be denominated on the face thereof, Springfield Municipal Building Loan, Act of 1909. Such bonds, notes or scrip shall be signed by the treasurer of the city and countersigned by the mayor. They shall be payable at the expiration of periods not exceeding forty years from the dates of issue, shall bear interest at a rate not exceeding four per cent per annum, and shall not be reckoned in determining the statutory limit of indebtedness of the city. The city may sell such securities at public or private sale upon such terms and conditions as it may deem proper: *provided*, that they are not sold or pledged for less than their par value. *Proviso.*

SECTION 2. The city at the time of authorizing said loan shall provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed by this act; and when such provision has been made the amount required thereby shall without further vote annually be assessed by the assessors of the city, in the same manner in which other taxes are assessed, until the debt is extinguished. *Payment of loan.*

SECTION 3. This act shall take effect upon its passage.  
*Approved February 24, 1909.*

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EXPENSES  
OF THE TRUSTEES OF THE LYMAN AND INDUSTRIAL  
SCHOOLS. *Chap. 85*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: — *Appropriations.*

For travelling and other necessary expenses of the trustees of the Lyman and industrial schools, the same to *Trustees of Lyman and industrial*

schools, ex-  
penses.

include the printing and binding of their annual report, a sum not exceeding twelve hundred dollars.

Agents.

For salaries and expenses of such agents as the said trustees may deem it necessary to employ, a sum not exceeding eleven thousand four hundred dollars.

Boarding out  
children.

For expenses in connection with boarding out children from the Lyman school for boys, under the authority of the trustees thereof, a sum not exceeding eighty-five hundred dollars.

Care of pro-  
bationers.

For expenses in connection with the care of probationers from the state industrial school, to include boarding out and other expenses of girls on probation, under the authority of the trustees of the Lyman and industrial schools, a sum not exceeding thirteen thousand eight hundred dollars.

Instruction in  
public schools.

For instruction in the public schools in any city or town of the commonwealth of children boarded out or bound out by the trustees of the Lyman and industrial schools, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 25, 1909.*

*Chap. 86* AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE  
OF THE WORCESTER INSANE HOSPITAL.

*Be it enacted, etc., as follows:*

Worcester  
insane  
hospital.

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the Worcester insane hospital during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

From the receipts of said hospital now in the treasury of the commonwealth, the sum of sixty-nine thousand six hundred seventy-nine dollars and seventy-four cents; and from the treasury of the commonwealth from the ordinary revenue, a sum in addition not exceeding two hundred twenty-eight thousand nine hundred thirty-two dollars and twenty-six cents.

SECTION 2. This act shall take effect upon its passage.

*Approved February 25, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE Chap. 87  
OF THE TAUNTON INSANE HOSPITAL.

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are ap- Taunton  
insane  
hospital.  
propriated for the maintenance of the Taunton insane  
hospital during the fiscal year ending on the thirtieth day  
of November, nineteen hundred and nine, to wit: —

From the receipts of said hospital now in the treasury  
of the commonwealth, the sum of thirty-four thousand  
eight hundred ninety-two dollars and nine cents; and  
from the treasury of the commonwealth from the ordinary  
revenue, a sum in addition not exceeding two hundred one  
thousand seven hundred seven dollars and ninety-one cents.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 25, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE Chap. 88  
OF THE MEDFIELD INSANE ASYLUM.

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are ap- Medfield  
insane  
asylum.  
propriated for the maintenance of the Medfield insane  
asylum for the fiscal year ending on the thirtieth day of  
November, nineteen hundred and nine, to wit: —

From the receipts of said asylum now in the treasury  
of the commonwealth, the sum of ninety-five hundred  
thirty-seven dollars and twenty-two cents; and from the  
treasury of the commonwealth from the ordinary revenue,  
a sum in addition not exceeding three hundred thousand  
four hundred sixty-two dollars and seventy-eight cents.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 25, 1909.*

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE Chap. 89  
OF THE BOSTON STATE HOSPITAL.

*Be it enacted, etc., as follows:*

SECTION 1. The sum of one hundred and ninety-two Boston state  
hospital.  
thousand dollars is hereby appropriated, to be paid out of  
the treasury of the commonwealth from the ordinary  
revenue, for the maintenance of the Boston state hospital

during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine.

SECTION 2. This act shall take effect upon its passage.

*Approved February 25, 1909.*

**Chap. 90** AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE AND IMPROVEMENT OF THE METROPOLITAN WATER SYSTEM.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Metropolitan Water Maintenance Fund, for the maintenance and operation of the metropolitan water system for the cities and towns in what is known as the metropolitan water district, during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Metropolitan water system.

For the maintenance and operation of the metropolitan water system, a sum not exceeding four hundred and sixteen thousand five hundred dollars.

Cochituate watershed.

For the improvement of the Cochituate watershed, a sum not exceeding thirty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 25, 1909.*

**Chap. 91** AN ACT TO AUTHORIZE THE CITY OF CHELSEA TO PROVIDE FOR PAYING AND REFUNDING ITS SPECIAL LOANS.

*Be it enacted, etc., as follows:*

Payment of special loans of the city of Chelsea.

SECTION 1. All existing indebtedness of the city of Chelsea in loans known as "Special Loans", is hereby ratified, legalized and confirmed, and the city may at the maturity of said loans refund the same in a new or consolidated loan to be paid not later than December thirty-first, nineteen hundred and twenty-four; and said consolidated loan shall be included in determining the statutory limit of indebtedness of the city. In the year nineteen hundred and thirteen, and annually thereafter, there shall be placed in the tax levy a sum sufficient with its accumulations to provide for the payment of said loan at maturity.

SECTION 2. This act shall take effect upon its passage.

*Approved February 25, 1909.*



AN ACT RELATIVE TO LOANS BY LIFE INSURANCE COMPANIES ON THEIR OWN POLICIES AS COLLATERAL.

*Chap. 92*

*Be it enacted, etc., as follows:*

SECTION 1. Subdivision six of section thirty-seven of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven is hereby amended by striking out the same and inserting in place thereof the following:—6. In loans upon the security of its own policies not exceeding at the time of making the loan the legal reserve on the policy.

1907, 576, § 37, amended.

Policy loans.

SECTION 2. This act shall take effect upon its passage.

*Approved February 25, 1909.*

AN ACT TO INCLUDE THE TOWN OF NORTH READING WITHIN THE JUDICIAL DISTRICT OF THE FOURTH DISTRICT COURT OF EASTERN MIDDLESEX.

*Chap. 93*

*Be it enacted, etc., as follows:*

The town of North Reading shall, on and after the first day of July in the year nineteen hundred and nine, be annexed to and made a part of the judicial district of the fourth district court of eastern Middlesex, but this act shall not affect any suit or other proceeding pending on said date.

Town of North Reading annexed to judicial district of fourth district court of eastern Middlesex.

*Approved February 25, 1909.*

AN ACT TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO EMPLOY AN ADDITIONAL CLERK.

*Chap. 94*

*Be it enacted, etc., as follows:*

SECTION 1. The treasurer and receiver general may employ an additional clerk at a salary of fifteen hundred dollars a year, who shall act as bank messenger and perform such other duties as may be assigned to him.

Treasurer and receiver general may employ an additional clerk.

SECTION 2. This act shall take effect upon its passage.

*Approved February 25, 1909.*

AN ACT RELATIVE TO INVESTMENTS OF INSURANCE COMPANIES.

*Chap. 95*

*Be it enacted, etc., as follows:*

SECTION 1. Subdivision ten of section thirty-seven of chapter five hundred and seventy-six of the acts of the

1907, 576, § 37, amended.

year nineteen hundred and seven is hereby amended by inserting at the beginning of said subdivision, the words:—

Nothing in this section shall prevent any such life insurance company from entering into an agreement for the purpose of protecting the interests of the company in securities lawfully held by it, or for the purpose of reorganization of a corporation which issued securities so held, and from depositing such securities with a committee or depositaries appointed under such agreement; nor from accepting corporate stock or bonds, or other securities, which may be distributed pursuant to any such agreement, or to any plan of reorganization; and, — so that said subdivision as amended will read as follows:— 10. Nothing in this section shall prevent any such life insurance company from entering into an agreement for the purpose of protecting the interests of the company in securities lawfully held by it, or for the purpose of reorganization of a corporation which issued securities so held, and from depositing such securities with a committee or depositaries appointed under such agreement; nor from accepting corporate stock or bonds, or other securities, which may be distributed pursuant to any such agreement, or to any plan of reorganization; and nothing in this section shall prevent any such life insurance company from acquiring or holding any property that shall be acquired in satisfaction of any debt previously contracted, or that shall be obtained by sale or foreclosure of any security held by it: *provided, however*, that, if the property owned be such as is herein prohibited for investment by such corporation, it shall dispose of such property if personal, within one year, and if real property within five years, from the date when it acquired title to the same, unless the insurance commissioner shall extend the time for such disposition for the reason that the interests of the company will suffer materially by a forced sale of such property.

A record of such extension shall be made by the insurance commissioner, which shall state the time of the extension, and in that event the sale of said property may be made at any time before the expiration of the time of such extension.

All property held by any domestic insurance company when this act takes effect, the investment in or loan on

Agreements  
may be made  
for protecting  
interests of an  
insurance  
company, etc.

Proviso.

Record of  
extension of  
time to be  
made.

Prohibited  
investments  
to be sold, etc.

which property by such company is prohibited by the provisions of this section, shall be sold and disposed of within five years from the time when this act shall take effect, and such property shall not be held for a longer period, unless the time be extended by the insurance commissioner in the manner above provided.

SECTION 2. This act shall take effect upon its passage.

*Approved February 25, 1909.*

AN ACT RELATIVE TO PAYMENTS TO BE MADE TO THE COMMONWEALTH BY THE CITY OF BOSTON ON ACCOUNT OF THE EXPENSE OF ENLARGING THE SUFFOLK COUNTY COURT HOUSE.

*Chap. 96*

*Be it enacted, etc., as follows:*

SECTION 1. Section four of chapter five hundred and thirty-four of the acts of the year nineteen hundred and six is hereby amended by striking out the words "when the same becomes", in the sixth line, and inserting in place thereof the words: — as estimated by the treasurer and receiver general, at least ten days before said instalments of principal and interest become, — by striking out the word "as", in the tenth line, and inserting in place thereof the words: — at least ten days before, — and by inserting after the word "scrip", in the eleventh line, the words: — and the interest thereon, — so as to read as follows: — *Section 4.* The treasurer and receiver general shall certify to the mayor of the city of Boston the amounts, denominations and times of payment of said bonds, notes or scrip; and the city of Boston shall pay to the commonwealth two thirds of each and every instalment of principal and of interest, as estimated by the treasurer and receiver general, at least ten days before said instalments of principal and interest become due and payable from the commonwealth by the terms of said bonds, notes or scrip; it being the purpose of this provision to impose upon the city of Boston the payment of two thirds of the expenditures which may be made under this act at least ten days before said bonds, notes or scrip and the interest thereon shall mature or shall become payable from time to time.

1906, 534, § 4,  
amended.

City of Boston  
to pay two-  
thirds of  
expense of  
enlarging  
Suffolk county  
court house.

SECTION 2. This act shall take effect upon its passage.

*Approved February 25, 1909.*

*Chap. 97* AN ACT TO CHANGE THE NAME OF THE INDUSTRIAL AID SOCIETY FOR THE PREVENTION OF PAUPERISM.

*Be it enacted, etc., as follows:*

Name changed,  
etc.

SECTION 1. The Industrial Aid Society for the Prevention of Pauperism shall hereafter be known as the Industrial Aid Society, and shall have all the privileges and do all things which it could have done under its former name, and shall hold all its property under the name of the Industrial Aid Society.

SECTION 2. This act shall take effect upon its passage.

*Approved February 25, 1909.*

*Chap. 98* AN ACT RELATIVE TO THE SUPPORT OF CERTAIN STATE PAUPERS.

*Be it enacted, etc., as follows:*

R. L. 85, § 16,  
amended.

Husband and  
wife not to be  
separated, etc.

SECTION 1. Chapter eighty-five of the Revised Laws is hereby amended by striking out section sixteen and inserting in place thereof the following:— *Section 16.* If a state pauper has a wife who is also a pauper having a legal settlement in this commonwealth, he shall be supported by the place where his wife has her settlement; but the commonwealth, upon written notice to the state board of charity, shall reimburse such place for the cost of aid given to him for sixty days previous to notice and until otherwise ordered; the cost of such support being based upon the expense of supporting him had he been committed to the state hospital.

SECTION 2. This act shall take effect upon its passage.

*Approved February 25, 1909.*

*Chap. 99* AN ACT TO CONFIRM THE ACTS OF THE SELECTMEN OF THE TOWN OF GARDNER ACTING AS A BOARD OF ASSESSORS.

*Be it enacted, etc., as follows:*

Certain pro-  
ceedings of  
selectmen of  
town of  
Gardner con-  
firmed.

SECTION 1. The acts and proceedings of the selectmen of the town of Gardner in assessing certain male persons resident in said town under the provisions of section nineteen of chapter five hundred and sixty of the acts of the year nineteen hundred and seven in the place and stead of the board of assessors of said town, all of whom were absent from town or sick, are hereby legalized, ratified and confirmed. The assessment of said persons and the cer-

tificates of said assessment issued by said selectmen sitting and acting as such assessors shall be in all respects of the same force, effect and validity as if the same had been made and issued by the lawfully elected board of assessors of said town.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1909.*

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AN ACT TO AUTHORIZE THE TOWN OF WHITMAN TO CHOOSE Chap.100  
A BOARD OF SINKING FUND COMMISSIONERS.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Whitman is hereby authorized to choose a board of commissioners to have charge of its present water sinking fund and such other sinking funds as the said town may hereafter create. Said town at its annual town meeting shall elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of commissioners to have charge of such sinking funds, and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. The said board shall have the powers and duties specified in chapter one hundred and fifty-two of the acts of the year eighteen hundred and eighty-three so far as they relate to sinking funds. A majority of the board shall constitute a quorum for the transaction of business. Any vacancy in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Town of Whitman may elect a board of sinking fund commissioners, etc.

Powers and duties.

Quorum.  
Vacancy.

SECTION 2. So much of the said chapter one hundred and fifty-two as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

*Approved February 26, 1909.*

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AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE STATE HOSPITAL. Chap.101

*Be it enacted, etc., as follows:*

SECTION 1. A sum not exceeding three hundred and ninety-four thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance of the state hos-

State hospital.



pital during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1909.*

**Chap.102** AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE  
OF THE WORCESTER INSANE ASYLUM.

*Be it enacted, etc., as follows:*

Worcester  
insane  
asylum.

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the Worcester insane asylum during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

From the receipts of said asylum now in the treasury of the commonwealth, the sum of forty-nine hundred sixty-two dollars and fifty-eight cents; and from the treasury of the commonwealth from the ordinary revenue, a sum in addition not exceeding two hundred fifty-three thousand thirty-seven dollars and forty-two cents.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1909.*

**Chap.103** AN ACT RELATIVE TO THE MAINTENANCE OF PIPES AND  
CONDUITS UNDER PUBLIC WAYS.

*Be it enacted, etc., as follows:*

Maintenance  
of pipes and  
conduits under  
public ways.

SECTION 1. The mayor and aldermen of any city and the selectmen of any town may, upon terms and conditions prescribed by them, authorize any person to construct and maintain pipes and conduits for the transmission of steam or hot water for heating, cooking, and mechanical power, for private use, under the public ways of the city and town, may regulate and control the same, may at any time require the persons using the same to make alterations in the location or construction thereof, and may, after notice and hearing, order the removal thereof. Any use of such pipes and conduits other than that herein authorized shall render the permit therefor null and void.

Certain pro-  
visions of law  
to apply.

SECTION 2. The provisions of sections seventy-six, seventy-seven and seventy-eight of chapter one hundred and ten of the Revised Laws shall apply to proceedings hereunder.

SECTION 3. This act shall take effect upon its passage.

*Approved February 26, 1909.*

AN ACT MAKING AN APPROPRIATION FOR OPERATING THE SOUTH METROPOLITAN SYSTEM OF SEWAGE DISPOSAL. *Chap.104*

*Be it enacted, etc., as follows:*

SECTION 1. A sum not exceeding one hundred and five thousand seven hundred dollars is hereby appropriated, to be paid out of the South Metropolitan System Maintenance Fund, for the cost of maintenance and operation of the south metropolitan system of sewage disposal, comprising a part of Boston, the cities of Newton, Quincy and Waltham, and the towns of Brookline, Watertown, Dedham, Hyde Park and Milton, during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine.

South metropolitan system of sewage disposal.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1909.*

AN ACT MAKING AN APPROPRIATION FOR OPERATING THE NORTH METROPOLITAN SYSTEM OF SEWAGE DISPOSAL. *Chap.105*

*Be it enacted, etc., as follows:*

SECTION 1. A sum not exceeding one hundred and forty-six thousand nine hundred dollars is hereby appropriated, to be paid out of the North Metropolitan System Maintenance Fund, for the maintenance and operation of the system of sewage disposal for the cities and towns included in what is known as the north metropolitan system, during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine.

North metropolitan system of sewage disposal.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE NORTHAMPTON STATE HOSPITAL. *Chap.106*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the Northampton state hospital during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Northampton state hospital.

From the receipts of said hospital now in the treasury of the commonwealth, the sum of forty-six thousand four

hundred sixty-two dollars and seventy-one cents; and from the treasury of the commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred twenty-eight thousand five hundred thirty-seven dollars and twenty-nine cents.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 26, 1909.*

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**Chap.107** AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE  
OF THE DANVERS INSANE HOSPITAL.

*Be it enacted, etc., as follows:*

Danvers  
insane  
hospital.

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the Danvers insane hospital during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

From the receipts of said hospital now in the treasury of the commonwealth, the sum of sixty-one thousand nine hundred sixty-five dollars and seventy-four cents; and from the treasury of the commonwealth from the ordinary revenue, a sum in addition not exceeding two hundred thirty-two thousand thirty-four dollars and twenty-six cents.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 26, 1909.*

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**Chap.108** AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE  
OF THE FOXBOROUGH STATE HOSPITAL.

*Be it enacted, etc., as follows:*

Foxborough  
state hospital.

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the Foxborough state hospital during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

From the receipts of said hospital now in the treasury of the commonwealth, the sum of fourteen thousand six hundred fifty-two dollars and ninety-one cents; and from the treasury of the commonwealth from the ordinary revenue, a sum in addition not exceeding eighty-three thousand forty-seven dollars and nine cents.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 26, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE WESTBOROUGH INSANE HOSPITAL. *Chap.109*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the Westborough insane hospital during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

From the receipts of said hospital now in the treasury of the commonwealth, the sum of sixty-seven thousand nine hundred thirty-two dollars and seven cents; and from the treasury of the commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred eighty-four thousand sixty-seven dollars and ninety-three cents.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 26, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS. *Chap.110*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the Massachusetts hospital for epileptics during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

From the receipts of said hospital now in the treasury of the commonwealth, the sum of fifty-one thousand two hundred eighty dollars and sixty cents; and from the treasury of the commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred nine thousand nine hundred nineteen dollars and forty cents.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 26, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE STATE COLONY FOR THE INSANE. *Chap.111*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the state colony for the

insane during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

From the receipts of said colony for the insane now in the treasury of the commonwealth, the sum of twelve hundred three dollars and twenty-one cents; and from the treasury of the commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred three thousand seven hundred ninety-six dollars and seventy-nine cents.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1909.*

**Chap.112** AN ACT TO AUTHORIZE THE TOWN OF SWAMPSCOTT TO  
ISSUE WATER BONDS.

*Be it enacted, etc., as follows:*

Town of  
Swampscott  
Water Loan,  
1909.

SECTION 1. The town of Swampscott, for the purpose of enlarging and improving its water supply and constructing the works and making the payments necessary to enable the said town to become a part of the metropolitan water district, as authorized by the provisions of chapter five hundred and sixty of the acts of the year nineteen hundred and eight, may issue from time to time bonds, notes or scrip to an amount not exceeding one hundred thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of Swampscott Water Loan, 1909; shall be payable at dates not later than thirty years after the passage of this act, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof.

Proviso.

Payment of  
loan.

SECTION 2. Said town shall at the time of authorizing said loan or any portion thereof provide for the payment thereof in such annual proportionate payments, beginning not more than two years after the first issue of any of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that



effect has been passed a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of said town in each year thereafter in a manner similar to that in which other taxes are assessed, until the debt incurred by said loan is extinguished.

SECTION 3. This act shall take effect upon its passage.

*Approved February 26, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE  
OF THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-  
MINDED. Chap. 113

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the Massachusetts School for the Feeble-Minded during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

From the receipts of said school now in the treasury of the commonwealth, the sum of ninety-six thousand five hundred twenty-seven dollars and seventy-one cents; and from the treasury of the commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred sixty-eight thousand four hundred seventy-two dollars and twenty-nine cents.

For the city of Waltham for the annual assessment due from the commonwealth toward maintaining and operating a system of sewage disposal at the Massachusetts School for the Feeble-Minded, the sum of eight hundred twenty dollars and eighty-nine cents, as provided for by section three of chapter eighty-three of the acts of the year eighteen hundred and ninety-three.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1909.*

**Chap.114** AN ACT TO PROVIDE COMPENSATION FOR PUBLIC ADMINISTRATORS.

*Be it enacted, etc., as follows:*

Public administrators, compensation, etc.

SECTION 1. If after citation shall have been issued by the probate court to a public administrator upon the estate of a deceased person, administration shall not be granted to him for reasons set forth in section three of chapter one hundred and thirty-eight of the Revised Laws, or because of the finding of a will of the deceased, the judge of said probate court, if satisfied that the person taking out said citation has acted in good faith and for the best interests of the estate, may allow him just and reasonable compensation therefor, and reimbursement for expenses actually incurred, out of the assets of said estate.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1909.*

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**Chap.115** AN ACT RELATIVE TO THE AUTHORITY OF RECEIVERS OF THE ESTATES OF ABSENTEES.

*Be it enacted, etc., as follows:*

Receivers of estates of absentees may adjust certain cases by arbitration, etc.

SECTION 1. The probate court may authorize the receiver of the property or estate of an absentee, appointed in accordance with the provisions of chapter one hundred and forty-four of the Revised Laws, or of any amendments thereof, to adjust by arbitration or compromise any demand in favor of or against the estate of such absentee.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1909.*

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**Chap.116** AN ACT TO REQUIRE OFFICERS TO STATE IN THEIR RETURNS OF SERVICE OF PROCESS THE PLACE WHERE SERVICE WAS MADE.

*Be it enacted, etc., as follows:*

Return of service of process to state place where service was made.

When a writ, bill, petition or complaint in law or equity, or any order thereon, is served by an officer by leaving the summons, subpoena or copy thereof at the last and usual place of abode of any person or party, the officer

serving the same shall state in his return of such service the place as definitely as is practicable, giving, if possible, the street and number where such service was made.

*Approved February 26, 1909.*

AN ACT TO INCLUDE THE TOWN OF SWAMPSCOTT WITHIN THE JURISDICTION OF THE POLICE COURT OF LYNN. Chap.117

*Be it enacted, etc., as follows:*

The town of Swampscott is hereby annexed to, and made a part of, the judicial district of the police court of Lynn; but this act shall not affect any suit or other proceeding now pending before any justice or court having jurisdiction of the same.

Town of Swampscott annexed to judicial district of police court of Lynn.

*Approved February 26, 1909.*

AN ACT TO AUTHORIZE THE TRANSPORTATION OF MILITARY SUPPLIES AND EQUIPMENT OVER THE LINES OF STREET RAILWAY, ELECTRIC RAILROAD AND ELEVATED RAILWAY COMPANIES. Chap.118

*Be it enacted, etc., as follows:*

SECTION 1. All street railway, electric railroad, and elevated railway companies within the commonwealth are hereby authorized to transport military supplies and equipment over their respective lines, and from and to any point thereon, subject only to the supervision of, and to such regulations as may be imposed by, the board of railroad commissioners.

Military supplies, etc., may be transported over lines of street railways, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1909.*

AN ACT TO ABOLISH DEMAND ON FEMALE JUDGMENT DEBTORS. Chap.119

*Be it enacted, etc., as follows:*

SECTION 1. A judgment creditor shall not be required to cause payment of a judgment to be demanded of a female judgment debtor in order to obtain a citation against her under chapter one hundred and sixty-eight of the Revised Laws.

Demand on female judgment debtor abolished.

Petition for a citation, where to be made.

SECTION 2. The petition for a citation against a female judgment debtor shall be made in the county in which the debtor resides or has her usual place of business. The clerk or magistrate issuing such citation shall allow her not less than three days before the time fixed for the examination and at the rate of one hour additional for each mile of travel.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

*Approved February 26, 1909.*

**Chap.120** AN ACT RELATIVE TO THE AUTHORITY OF THE SCHOOL COMMITTEE OF THE CITY OF BOSTON OVER ORGANIZATIONS OF SCHOOL PUPILS.

*Be it enacted, etc., as follows:*

The school committee of Boston to prescribe rules, etc., concerning admission of pupils to secret organizations, etc.

SECTION 1. The school committee of the city of Boston may prescribe such rules concerning the admission of pupils enrolled in the public schools of said city to secret organizations, except religious organizations, composed wholly or in part of public school pupils, and their continuance therein, as it may deem expedient for the welfare of the public schools, and may exclude from the public schools any pupil not required by law to attend school who neglects or refuses to comply with any rule prescribed in accordance with the provisions of this act.

SECTION 2. This act shall take effect upon its passage.

*Approved February 27, 1909.*

**Chap.121** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE STATE BOARD OF CHARITY, AND FOR SUNDRY CHARITABLE EXPENSES.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses in the department of the state board of charity, and for sundry charitable expenses, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

STATE BOARD OF CHARITY.

For expenses of the state board of charity, including travelling and other necessary expenses of members, and salaries and expenses in the board's central office, a sum not exceeding thirteen thousand dollars.

State board of charity, expenses.

For printing and binding the annual report of the said board, a sum not exceeding two thousand dollars.

Annual report.

For salaries and expenses in the division of state adult poor, a sum not exceeding forty-nine thousand two hundred and fifty dollars.

Adult poor.

For salaries and expenses in the division of state minor wards, a sum not exceeding fifty-five thousand dollars.

Minor wards.

For travelling and other necessary expenses of the auxiliary visitors of the state board of charity, a sum not exceeding one thousand dollars.

Auxiliary visitors.

MISCELLANEOUS CHARITABLE.

For transportation of state paupers under charge of the state board of charity, including transportation of prisoners released on probation from the state farm, and for travelling and other expenses of probation visitors, for the present year and for previous years, a sum not exceeding sixteen thousand dollars.

Transportation of state paupers.

For the care and maintenance of indigent and neglected children and juvenile offenders, for the present year and for previous years, to include expenses in connection with the same, a sum not exceeding three hundred and twenty-five thousand dollars.

Indigent and neglected children, etc.

For expenses in connection with smallpox and other diseases dangerous to the public health, for the present year and for previous years, a sum not exceeding sixty thousand dollars.

Dangerous diseases.

For tuition in the public schools in any city or town in the commonwealth, including transportation to and from said schools, of children boarded out or bound out by the state board of charity, for the present year and for previous years, a sum not exceeding thirty-five thousand dollars.

Tuition of certain children, etc.

For the support of sick state paupers by cities and towns, for the present year and for previous years, the same to include cases of wife settlement, a sum not exceeding one hundred thousand dollars.

Sick state paupers.

Burial of  
state paupers.

For the burial of state paupers by cities and towns, for the present year and for previous years, a sum not exceeding seven thousand dollars.

Temporary  
aid.

For temporary aid furnished by cities and towns to state paupers and shipwrecked seamen, for the present year and for previous years, a sum not exceeding forty-five thousand dollars.

Unsettled  
pauper infants.

For the support and transportation of unsettled pauper infants, including infants in infant asylums, for the present year and for previous years, a sum not exceeding seventy-two thousand dollars.

Penikese  
hospital.

For salaries and expenses at the Penikese hospital, a sum not exceeding seventy-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 27, 1909.*

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**Chap.122** AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE COMMISSION ON INDUSTRIAL EDUCATION.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the commission on industrial education, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Commissioners on industrial education.

For the salaries of the commissioners, a sum not exceeding two thousand dollars.

Secretary.

For the salary of the secretary of the commission, a sum not exceeding five thousand dollars.

Agents.

For the salaries of two special agents, a sum not exceeding five thousand dollars.

Clerks, etc.

For clerk hire, stenographers and rent of office of the commission, a sum not exceeding fifty-five hundred and forty dollars.

Travelling  
expenses, etc.

For travel and other expenses of the commission, including cost of investigations in the United States, a sum not exceeding fourteen thousand dollars.

Incidental  
expenses, etc.

For incidental and contingent office expenses of the commission, including the printing and binding of the annual report, a sum not exceeding thirty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 27, 1909.*



AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE MASSACHUSETTS STATE SANATORIUM. *Chap.123*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the Massachusetts state sanatorium during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

From the receipts of said sanatorium now in the treasury of the commonwealth, the sum of fifty-seven thousand eight hundred fifty-one dollars and sixty-two cents; and from the treasury of the commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred twenty-nine thousand one hundred forty-eight dollars and thirty-eight cents.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 27, 1909.*

AN ACT MAKING AN APPROPRIATION FOR EXTERMINATING DISEASES AMONG HORSES, CATTLE AND OTHER ANIMALS. *Chap.124*

*Be it enacted, etc., as follows:*

SECTION 1. A sum not exceeding seventy thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the extermination of contagious diseases among horses, cattle and other animals, for the present year and for previous years.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 27, 1909.*

AN ACT TO PROVIDE FOR THE ELECTION OF A BOARD OF LICENSE COMMISSIONERS BY THE TOWN OF PALMER. *Chap.125*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Palmer at its annual March meeting shall in every year choose from the inhabitants thereof a license commission consisting of three members, to serve for the term of one year, or until their successors are elected and qualified. Any vacancy in said board occurring during the year shall be filled by the selectmen.

SECTION 2. No member of the board shall be engaged directly or indirectly in the manufacture or sale of in-

Massachusetts  
state  
sanatorium.

Extermina-  
tion of con-  
tagious dis-  
eases among  
animals.

Town of  
Palmer may  
elect a board  
of license com-  
missioners.

Vacancy.

Members of  
board not to  
engage in

certain em-  
ployments,  
etc.

toxicating liquors, or hold any other town office. If any member of the board shall engage directly or indirectly in the manufacture or sale of intoxicating liquors, his office shall thereupon become vacant. Each member of said board shall have been a resident of the town of Palmer for at least two years immediately preceding his election. Two members of the board shall be a quorum for the transaction of business.

Quorum.

Powers and  
duties.

SECTION 3. All licenses issued in the said town for the sale of intoxicating liquors, or for innholders or common victuallers, shall be issued and signed only by the board of license commissioners, and shall be recorded in their office; and all the powers and duties relating to said licenses, or to the sale of intoxicating liquors, now or hereafter vested in the selectmen of towns shall be exercised and performed by the said board.

Compensa-  
tion, expenses,  
etc.

SECTION 4. The town may appropriate a reasonable sum of money for the compensation of its license commissioners, and shall pay reasonable expenses incurred by the board for blank books, printing and other necessary expenses, approved by the board.

Acceptance of  
act.

SECTION 5. This act shall be submitted to the voters of the town of Palmer at the next annual town meeting or at a special meeting called for the purpose, and if a majority of the voters voting thereon shall vote in the affirmative this act shall take effect.

When to take  
effect.

SECTION 6. So much of this act as authorizes its submission to the voters of the town shall take effect upon its passage.

*Approved February 27, 1909.*

## *Chap.*126 AN ACT TO ESTABLISH A PART OF THE BOUNDARY LINE BETWEEN THE TOWNS OF WAREHAM AND MARION.

*Be it enacted, etc., as follows:*

Boundary line  
between  
Wareham  
and Marion  
established.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Wareham and Marion, between the points hereinafter specified, to wit:—Beginning at the centre of the east side of Mendells bridge, at a point bearing south one degree twenty-seven minutes east, true bearing, and twenty-two feet distant from a stone monument standing on the north bank of the Sippican river; thence north one degree twenty-seven minutes west, true bearing, two hundred and

thirty-four feet to a granite monument; thence north eight degrees twenty-five minutes east, true bearing, six hundred and seventy-three feet to a granite monument; thence north fourteen degrees thirty-seven minutes east, true bearing, three hundred and sixty-five feet to a granite monument; thence north five degrees fifty-seven minutes east, true bearing, five hundred and six feet to a granite monument; thence north four degrees forty-three minutes west, true bearing, two hundred and seven feet to a granite monument; thence north twenty-one degrees eight minutes west, true bearing, one hundred and seventy-one feet to a granite monument; thence north thirty-one degrees twenty-eight minutes west, true bearing, two hundred and three feet to a granite monument; thence north forty degrees fifty minutes west, true bearing, six hundred and seventy-nine feet to a granite monument; thence north fifty-two degrees five minutes west, true bearing, four hundred and forty-seven feet to a granite monument; thence north twenty-seven degrees fifty-five minutes west, true bearing, seven hundred and eighty-eight feet to a granite monument; thence north seventeen degrees fifty minutes west, true bearing, seven hundred and seven feet to a granite monument; thence south seventy-two degrees ten minutes west, true bearing, forty feet across the Plymouth county road, so-called, to a granite monument; thence north seventeen degrees fifty minutes west, true bearing, on the westerly line of said road, eight hundred and fifty-five feet to a granite monument; thence north twenty degrees three minutes west, true bearing, five hundred and thirty-eight feet to a granite monument; thence north three degrees thirty-three minutes west, true bearing, five hundred feet to a granite monument; thence north four degrees nine minutes east, true bearing, three hundred feet to a granite monument; thence north eighteen degrees six minutes east, true bearing, four hundred and seventy-five feet to a granite monument; thence north thirteen degrees thirty-four minutes east, true bearing, four hundred and seventy-three feet to a granite monument; thence north one degree fourteen minutes east, true bearing, five hundred and seventy-six feet to a granite monument; thence north five degrees four minutes east, true bearing, six hundred and fifty feet to a granite monument; thence north eighteen degrees thirty-one minutes east, true bear-

Boundary line  
between  
Wareham  
and Marion  
established.

ing, twelve hundred and twenty-two feet to a granite monument standing at the corner of the towns of Marion, Rochester and Wareham.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved March 1, 1909.*

**Chap.127** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE MASSACHUSETTS HIGHWAY COMMISSION.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for salaries and expenses of the Massachusetts highway commission, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

Highway commissioners.

For salaries of the commissioners, the sum of eighty-five hundred dollars.

Engineers, clerks, etc.

For salaries of the engineers, clerks and assistants in the office of the commission, a sum not exceeding sixteen thousand three hundred and fifty dollars.

Expenses.

For travelling and other necessary expenses of the commissioners, printing, postage and necessary office expenses, a sum not exceeding sixty-five hundred dollars.

Rent of offices.

For rent of offices for the use of the commission, a sum not exceeding forty-seven hundred and fifty dollars.

Annual report.

For printing and binding the annual report of the commission, a sum not exceeding twelve hundred dollars.

Road-building machinery.

For care and repair of road-building machinery, a sum not exceeding three thousand dollars.

State highways.

For the maintenance of state highways, for the present year and for previous years, a sum not exceeding one hundred and fifty thousand dollars.

Suppression of gypsy and brown tail moths.

For expenses in connection with the suppression of the gypsy and brown tail moths on state highways, a sum not exceeding seven thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved March 1, 1909.*

AN ACT MAKING AN APPROPRIATION FOR THE CARE AND MAINTENANCE OF WELLINGTON BRIDGE BY THE METROPOLITAN PARK COMMISSION. *Chap.128*

*Be it enacted, etc., as follows:*

SECTION 1. The sum of sixty-seven hundred and fifty-two dollars is hereby appropriated, to be paid out of the Metropolitan Parks System, Wellington Bridge Maintenance Fund, for the care and maintenance of Wellington bridge, including drawtenders, labor, lighting, watering, supplies and miscellaneous expenses, by the metropolitan park commission for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, in accordance with the provisions of chapter four hundred and ninety-one of the acts of the year nineteen hundred and one.

Wellington  
bridge.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 1, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE CARE AND MAINTENANCE OF BOULEVARDS AND PARKWAYS IN CHARGE OF THE METROPOLITAN PARK COMMISSION. *Chap.129*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated for the care and maintenance of boulevards and parkways in charge of the metropolitan park commission, during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, one half of the amounts to be paid out of the current revenue, and one half to be assessed upon the metropolitan park district, as authorized by chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine, to wit:—

Appropriations.

For the care and maintenance of boulevards and parkways, a sum not exceeding one hundred sixty-three thousand four hundred fifty-three dollars and sixteen cents.

Boulevards  
and parkways.

For a police signal system, a sum not exceeding five thousand dollars.

Police signal  
system.

For resurfacing Revere beach parkway, a sum not exceeding five thousand dollars.

Revere beach  
parkway.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 1, 1909.*



**Chap.130** AN ACT MAKING APPROPRIATIONS FOR THE CARE OF  
RESERVATIONS UNDER THE CONTROL OF THE METRO-  
POLITAN PARK COMMISSION.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Metropolitan Parks Maintenance Fund by the metropolitan park commission, during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, as authorized by chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine, to wit:—

Care of reservations.

For the care of reservations under the control of the metropolitan park commission, a sum not exceeding three hundred forty-three thousand eight hundred fifty-nine dollars and ninety-six cents.

Middlesex Fells reservation.

For resurfacing roads in Middlesex Fells reservation, a sum not exceeding ten thousand dollars.

Beaver Brook reservation.

For the erection of a sanitary building in the Beaver Brook reservation, a sum not exceeding five thousand dollars.

Revere Beach reservation.

For renewal of plumbing in the sanitary building, and for an incinerator at the Revere Beach reservation, a sum not exceeding thirty-five hundred dollars.

Blue Hill reservation.

For water pipes in the Blue Hill reservation, a sum not exceeding seven thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved March 1, 1909.*

**Chap.131** AN ACT TO PROVIDE FOR INVESTIGATION WORK AND APPARATUS AND FOR MAINTENANCE EXPENSES IN THE  
BOILER INSPECTION DEPARTMENT OF THE DISTRICT  
POLICE.

*Be it enacted, etc., as follows:*

Boiler inspection department of the district police.

SECTION 1. There shall annually be allowed and paid out of the treasury of the commonwealth a sum not exceeding one thousand dollars, to be expended by the chief of the district police for investigation work, for apparatus used in connection with the inspection of steam boilers, and for the installation and maintenance of apparatus



used by the boiler inspection department in the examination of engineers and firemen.

SECTION 2. This act shall take effect upon its passage.

*Approved March 3, 1909.*

AN ACT RELATIVE TO ISSUING PERMITS TO PRISONERS TO BE AT LIBERTY. Chap. 132

*Be it enacted, etc., as follows:*

SECTION 1. Section one hundred and nineteen of chapter two hundred and twenty-five of the Revised Laws is hereby amended by inserting after the word "twelve", in the fifth line, the words:— and sentenced for a term or for non-payment of a fine,— so as to read as follows:—

R. L. 225,  
§ 119,  
amended.

*Section 119.* If it appears to the county commissioners, or, in the county of Suffolk, to the penal institutions commissioner of the city of Boston, that a prisoner in a house of correction or workhouse who has been convicted of an offence named in section forty-six of chapter two hundred and twelve, and sentenced for a term or for non-payment of a fine, has reformed and is willing and desirous to return to an orderly course of life, they may issue to him a permit to be at liberty during the remainder of his term of sentence.

Permits to  
prisoners to be  
at liberty, etc.

SECTION 2. Section one hundred and twenty of said chapter two hundred and twenty-five is hereby amended by inserting after the word "confinement", in the sixth and seventh lines, the words:— for a term or for non-payment of a fine,— so as to read as follows:— *Section 120.* If it appears to the state board of charity that a person who has been imprisoned for drunkenness at the state farm has reformed, or if it appears to the county commissioners, or, in the county of Suffolk to the penal institutions commissioner of the city of Boston, that a person who has been imprisoned for drunkenness in a jail, house of correction or other place of confinement, for a term or for non-payment of a fine, has reformed, they may issue to him a permit to be at liberty during the remainder of his term of sentence.

R. L. 225,  
§ 120,  
amended.

Permit to  
person im-  
prisoned for  
drunkenness.

SECTION 3. This act shall take effect upon its passage.

*Approved March 3, 1909.*

**Chap.133** AN ACT TO REGULATE THE PAYMENT OF BOUNTIES TO AGRICULTURAL SOCIETIES.

*Be it enacted, etc., as follows:*

R. L. 124, § 1,  
amended.

Payment of  
bounties to  
agricultural  
societies.

Section one of chapter one hundred and twenty-four of the Revised Laws is hereby amended by inserting after the word "preceding", in the sixteenth line, the words:— or otherwise expended for the encouragement and improvement of agriculture, with the approval of the state board of agriculture,— and by inserting after the word "nor", in the sixteenth line, the words:— in any event,— so as to read as follows:— *Section 1.* Every incorporated agricultural society which was entitled to bounty from this commonwealth before the twenty-fifth day of May in the year eighteen hundred and sixty-six, and every other such society whose exhibition grounds and buildings are not within twelve miles of those of a society which was then entitled to bounty, and which has raised by contribution of individuals and holds, as a capital appropriated to its uses, one thousand dollars, invested in an interest bearing public or private security or in real estate, buildings and appurtenances for its use and accommodation, shall, except when otherwise determined by the state board of agriculture as provided in section four, be entitled to receive annually in October from the commonwealth, two hundred dollars, and in that proportion for any greater amount so contributed and put at interest or invested; but no society shall receive a larger amount in one year than it has awarded and paid in premiums during the year last preceding, or otherwise expended for the encouragement and improvement of agriculture, with the approval of the state board of agriculture, nor, in any event, more than six hundred dollars. If there is only one incorporated agricultural society in any county, it shall be entitled to receive said bounty notwithstanding its exhibition grounds and buildings are within twelve miles of a society entitled to said bounty; and, after having received said bounty, it shall not be deprived of the right to receive the same by reason of the subsequent incorporation of another society within the same county.

*Approved March 3, 1909.*

AN ACT RELATIVE TO THE ALTERATION OR CHANGE OF NAMES OF PUBLIC WAYS, PLACES AND PARKS. *Chap.134*

*Be it enacted, etc., as follows:*

SECTION 1. In case of an alteration or change in the name of any public way, place or section, or of any public park, where the name altered or changed has been in use for twenty-five years or more, there shall be a right of appeal from any such alteration or change to the Massachusetts highway commission.

Right of appeal in cases of change of names, etc., of public ways, etc.

SECTION 2. Said appeal shall be taken within thirty days after any such alteration or change, and shall be by petition of at least twenty-five legal residents of the city or town in which such alteration or change has been made, requesting the reversal of such action. Notice of the filing of such petition shall forthwith be filed in the office of the clerk of the city or town in which the change has been made, and upon the filing of such petition, a public hearing shall be given by said commission, after such public notice as the commission shall determine, and unless the commission shall approve of such alteration or change, the same shall be of no effect.

Time within which appeal may be taken, etc.

SECTION 3. This act shall take effect upon its passage.

*Approved March 3, 1909.*

AN ACT MAKING AN APPROPRIATION FOR THE CARE AND MAINTENANCE OF THE NANTASKET BEACH RESERVATION BY THE METROPOLITAN PARK COMMISSION. *Chap.135*

*Be it enacted, etc., as follows:*

SECTION 1. The sum of twenty-two thousand five hundred dollars is hereby appropriated, to be paid out of the Metropolitan Parks System, Nantasket Maintenance Fund, for the care and maintenance of the Nantasket beach reservation by the metropolitan park commission during the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, this amount to be reimbursed to the commonwealth by the cities and towns in the metropolitan district, in accordance with the provisions of chapter four hundred and sixty-four of the acts of the year eighteen hundred and ninety-nine.

Nantasket beach reservation.

SECTION 2. This act shall take effect upon its passage.

*Approved March 3, 1909.*

**Chap.136** AN ACT TO PROVIDE FOR THE REGISTRATION OF BONDS  
AND OTHER SECURITIES HELD BY THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

Registration  
of bonds, etc.,  
held by the  
common-  
wealth.

SECTION 1. A county, city or town or any corporation organized under the laws of this commonwealth which has issued any bond, promissory note or certificate of indebtedness payable to bearer, which is held by the commonwealth shall, at the request of the treasurer and receiver general, issue in exchange therefor a bond, note or certificate of the same effect, payable to the commonwealth by name: *provided*, that the commonwealth shall pay all expense necessarily incurred in making such exchange.

Proviso.

Penalty.

SECTION 2. A county, city, town or corporation, which neglects or refuses to issue a bond, note or certificate in accordance with the provisions of this act, when requested so to do by the treasurer and receiver general, shall be subject to a penalty of not more than fifty dollars.

*Approved March 3, 1909.*

**Chap.137** AN ACT TO AUTHORIZE THE CITY OF HOLYOKE TO REFUND  
INDEBTEDNESS INCURRED IN CONNECTION WITH THE  
HOLYOKE AND WESTFIELD RAILROAD.

*Be it enacted, etc., as follows:*

City of  
Holyoke,  
Holyoke and  
Westfield Rail-  
road Loan,  
Act of 1909.

SECTION 1. For the purpose of refunding the outstanding bonds issued by the city of Holyoke in the refunding of certain bonds issued by the town of Holyoke to pay for stock of the Holyoke and Westfield Railroad Company, issued to the town of Holyoke, the said outstanding bonds maturing in the year nineteen hundred and ten to the amount of one hundred and sixty-six thousand dollars, and in the year nineteen hundred and thirteen to the amount of sixty thousand dollars, the city of Holyoke is hereby authorized to issue bonds as may be required to an amount not exceeding two hundred and twenty-six thousand dollars. Such bonds shall bear on the face thereof the words, City of Holyoke, Holyoke and Westfield Railroad Loan, Act of 1909, shall be payable at the expiration of periods not exceeding forty years from the year of first issue under this act, shall bear interest at a rate not exceeding four per cent per annum, payable

semi-annually, and shall be signed by the treasurer and countersigned by the mayor of the city. The city may sell the said bonds, at not less than par, at public or private sale.

SECTION 2. Said bonds shall mature and be paid in such annual amounts as will in the aggregate extinguish the total indebtedness incurred under authority of this act within the term of forty years herein prescribed.

Payment of loan.

SECTION 3. Bonds issued under this act shall not be reckoned in determining the statutory limit of indebtedness of the city.

Not to be included in debt limit.

SECTION 4. This act shall take effect upon its passage.

*Approved March 5, 1909.*

AN ACT TO PROVIDE THAT THE MAYOR OF THE CITY OF NEWTON SHALL BE A MEMBER OF THE SCHOOL COMMITTEE OF SAID CITY. *Chap. 138*

*Be it enacted, etc., as follows:*

SECTION 1. Section nineteen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and ninety-seven, entitled "An Act to revise the charter of the city of Newton", is hereby amended by striking out the words "president of the board of aldermen", in the fifth line, and inserting in place thereof the word: — mayor, — so as to read as follows: — *Section 19.* The management and control of the public schools shall be vested in the school committee, which shall exercise the powers and discharge the duties imposed by law upon school committees. The committee shall consist of the mayor, ex officio, and two members from each ward. The present members shall continue to hold their respective offices according to the tenure thereof, and at the annual city elections the board of aldermen shall provide for the election of members to fill vacancies occurring at the end of the municipal year, so that the term of office of not more than five members, nor the term of office of the two members from any ward, shall expire in the same year. Other vacancies shall be filled as provided by general law.

1897, 283. § 19, amended.

School committee, powers and duties, etc.

SECTION 2. This act shall take effect on the second Monday of January, nineteen hundred and ten.

When to take effect.

*Approved March 5, 1909.*



*Chap. 139* AN ACT TO AUTHORIZE THE FIRST BAPTIST CHURCH IN SALEM AND THE CENTRAL BAPTIST CHURCH IN SALEM TO UNITE.

*Be it enacted, etc., as follows:*

Certain churches in Salem may unite.

SECTION 1. The First Baptist Church in Salem, incorporated June twenty-sixth, nineteen hundred and six, and The Central Baptist Church in Salem, incorporated November second, eighteen hundred and ninety-three, are hereby authorized to unite whenever the members of said corporations by a majority vote of those present and voting at meetings called for such purpose shall so vote, and upon the passage of said votes said corporations shall be merged into one corporation, to be called The First Baptist Church in Salem.

Franchises, powers, etc.

SECTION 2. After said votes have been passed said new corporation, namely, The First Baptist Church in Salem, shall have and enjoy all franchises, powers, privileges, property and rights of every kind now belonging to said corporations, and shall assume and be subject to all the duties, debts and liabilities thereof.

To hold real and personal property, etc.

SECTION 3. All property, whether real or personal, belonging to or held in trust by said corporations or by their deacons, or by their pastors and deacons, or by their trustees or standing committees, shall be vested in said new corporation, to be held upon the same, or, as nearly as possible, upon the same trusts as said trust property is now held. In case of doubt as to the precise manner or proportion in which said trust property or the income thereof shall be applied or divided, the matter may be determined by the supreme judicial court, upon application of any person interested or of the attorney-general, and until said court shall otherwise order said trust property and the income thereof shall be applied and divided in accordance with the terms of the original trusts, or as nearly as possible in accordance therewith, by said new corporation.

Membership.

SECTION 4. Upon the passage of said votes all persons who are then members of said corporations shall be members of said new corporation.

Records, etc.

SECTION 5. The records and other books and papers of said corporations shall be the property of said new



corporation; and certified copies of said votes of said corporations agreeing to the union authorized by this act, sworn to by their respective clerks, and recorded in the registry of deeds for the southern district of the county of Essex, shall be sufficient evidence of the union, and of the due creation and existence of said new corporation.

SECTION 6. The first meeting of said new corporation for organization shall be called by the clerks mentioned in section five of this act, within fifteen days from and after said vote agreeing to the union mentioned in said section five, by notices posted upon the present houses of worship of The First Baptist Church and The Central Baptist Church in Salem seven days at least before the date of the meeting. The annual meetings of said new corporation shall be held at such times as the corporation shall by by-law determine; and its officers shall consist of a moderator, clerk, treasurer, and a board of directors. Meetings, etc.

SECTION 7. Any person aggrieved by the provisions of this act may at any time within six months after the recording of the copies of the votes as above provided apply by petition to the superior court for the county of Essex to have his or her damages determined by a jury therein, or by or under the direction of said court; and all damages so awarded, with the costs of suit allowed by statute in civil actions attending such award, shall be paid by said new corporation. Damages.

SECTION 8. This act shall take effect upon its passage.  
*Approved March 5, 1909.*

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AN ACT TO AUTHORIZE THE CITY OF LOWELL TO APPROPRIATE MONEY TO BE EXPENDED BY TRUSTEES IN MAINTAINING AND BEAUTIFYING CERTAIN LAND IN THAT CITY.

*Chap. 140*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Lowell is hereby authorized to permit the mayors of said city in succession and the chairmen of the park commission in succession to accept the positions of trustees under a deed of trust made March twentieth, eighteen hundred and forty-four, by the Proprietors of the Locks and Canals on Merrimack river of a lot of land situated on the west side of Anne street in Lowell, according to which deed said lot was to be kept "as ornamental ground forever", the same being "dedi-

The city of Lowell, by certain persons as trustees, may accept land for certain purposes.

cated and set apart by the grantors for the purpose of beautifying and ventilating the city ”.

The city may appropriate money for improving said land.

SECTION 2. The city of Lowell may make appropriations of money to be used by said trustees in fencing and beautifying said land or otherwise in carrying out the provisions of said trust.

SECTION 3. This act shall take effect upon its passage.

*Approved March 5, 1909.*

**Chap.141** AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF JOHN DEVINE.

*Be it enacted, etc., as follows:*

City of Boston may pay a sum of money to Catherine Devine.

When to take effect.

SECTION 1. The city of Boston is hereby authorized to pay to Catherine Devine, widow of John Devine late an employee of said city, the sum of two thousand dollars.

SECTION 2. This act shall take effect upon its acceptance by the city council of the city of Boston.

*Approved March 5, 1909.*

**Chap.142** AN ACT TO INCORPORATE THE TRUSTEES OF FOOCHOW COLLEGE.

*Be it enacted, etc., as follows:*

Trustees of Foochow College incorporated.

SECTION 1. Charles A. Hopkins, Arthur H. Wellman, Albert P. Fitch, Henry H. Proctor, Francis O. Winslow, Arthur L. Gillett, Herbert A. Wilder, Edward M. Noyes, John H. Denison, George A. Hall, Lucius H. Thayer and Arthur Perry, members of the Prudential Committee of the American Board of Commissioners for Foreign Missions, and their successors in that office, are hereby made a corporation under the name of Trustees of Foochow College, with power to maintain a college for the education of young men in the city of Foochow, in the empire of China, with all the powers and privileges and with all the rights, duties and liabilities pertaining to religious and charitable corporations. The corporation may elect such officers as are necessary, and may determine their duties and tenure of office: and the clerk and treasurer of the corporation need not be members thereof.

May hold real and personal property.

SECTION 2. The corporation may acquire by purchase, gift, bequest or otherwise, real or personal property to an amount not exceeding eight hundred thousand dollars,

and shall expend the income thereof, and may use said property, in maintaining said college in such manner as shall most effectually promote virtue, piety and learning, and as shall conform to the terms of any gift or bequest made to, or for the benefit of, the said corporation or college.

SECTION 3. The said corporation may elect or appoint, and remove such officers and instructors of the college as it may deem expedient, shall determine their duties, compensation, and tenure of office; may purchase, hire, construct and maintain such buildings as are necessary for the college; may make all reasonable rules and regulations for the government of the college and for the management of the corporation: *provided*, that the same are not repugnant to the constitution or laws of this commonwealth, or of the United States, or to any treaty made by the United States; may determine the courses of study to be pursued in the said college, and may grant such honors, degrees and diplomas, as may lawfully be granted by any university, college or seminary in this commonwealth.

Powers and duties of the corporation.

Proviso.

SECTION 4. No student shall be refused admission to any department of the said college, except the theological department, or be denied any of the privileges, honors or degrees of the college, on account of religious opinions entertained by him.

Students to be admitted, etc., regardless of religious opinions.

SECTION 5. The general court may appoint or may authorize the governor to appoint overseers or visitors of the said college, who shall have such powers in relation to the same as the general court may determine.

Overseers or visitors, appointment, etc

*Approved March 5, 1909.*

AN ACT RELATIVE TO THE RATE OF INTEREST ON BONDS OF THE CITY OF NEW BEDFORD AUTHORIZED FOR THE PAYMENT OF THE ERECTION OF A NEW HIGH SCHOOL BUILDING.

Chap.143

*Be it enacted, etc., as follows:*

SECTION 1. Section two of chapter three hundred and eighty-five of the acts of the year nineteen hundred and three is hereby amended by striking out the words "three and one half", in the sixth and seventh lines, and inserting in place thereof the word: — four, — so as to read

1903, 385, § 2, amended.

New Bedford  
High School  
Loan, Act of  
1903.

as follows:—*Section 2.* Notes or bonds issued by the city of New Bedford under the authority of this act for the high school building shall be denominated on the face thereof, New Bedford High School Loan, Act of 1903, shall be made payable within twenty years from the dates of issue, and shall bear interest at a rate not exceeding four per cent per annum. Notes or bonds issued for the payment of indebtedness incurred for wharf property shall be made payable in ten years from the dates of issue. The entire proceeds of all such notes or bonds shall be devoted to the purposes mentioned in section one of this act. The provisions of sections twelve to seventeen, inclusive, of chapter twenty-seven of the Revised Laws, shall apply to all notes or bonds issued under authority of this act.

Certain  
provisions of  
law to apply.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 5, 1909.*

**Chap.144** AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO  
INCUR INDEBTEDNESS FOR THE PURPOSE OF ERECTING  
AND ENLARGING SCHOOL BUILDINGS.

*Be it enacted, etc., as follows:*

New Bedford  
School Loan,  
Act of 1909.

SECTION 1. The city of New Bedford, for the purpose of paying for a new public school building and for enlarging the existing school building on Brock avenue in that city, and for equipping the said buildings, may incur indebtedness to an amount not exceeding one hundred and seventy-five thousand dollars, and may issue bonds, notes and scrip therefor, to be denominated on the face thereof, New Bedford School Loan, Act of 1909. Such bonds, notes or scrip shall be signed by the treasurer of the city and countersigned by the mayor. They shall be payable at the expiration of periods not exceeding twenty years from the dates of issue, shall bear interest at a rate not exceeding four per cent per annum, and shall not be reckoned in determining the statutory limit of indebtedness of the city. The city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold or pledged for less than their par value.

Proviso.

SECTION 2. The city at the time of authorizing said loan shall provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such provision has been made the amount required thereby shall without further vote annually be assessed by the assessors of the city, in the same manner in which other taxes are assessed, until the said debt is extinguished.

Payment of  
loan.

SECTION 3. This act shall take effect upon its passage.

*Approved March 5, 1909.*

AN ACT TO AUTHORIZE THE METROPOLITAN PARK COMMISSION TO FURNISH BAND CONCERTS IN PARKS, PARKWAYS AND OTHER PLACES UNDER ITS CONTROL.

*Chap.145*

*Be it enacted, etc., as follows:*

SECTION 1. The metropolitan park commission is hereby authorized to provide band concerts in such parks, parkways or other places under its control, and at such times, as it may select. Hereafter said commission shall include in its annual estimate of the expense of maintenance of the metropolitan parks system for the ensuing year such sum as it may recommend should be appropriated for the purpose of carrying out the provisions of this act.

Band concerts  
to be provided  
in parks and  
parkways, etc.

SECTION 2. The sum of twenty-five thousand dollars is hereby appropriated from the Metropolitan Parks Maintenance Fund, to be expended by the metropolitan park commission during the present fiscal year for the purpose aforesaid.

Appropriation.

SECTION 3. This act shall take effect upon its passage.

*Approved March 5, 1909.*

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE GAS AND ELECTRIC LIGHT COMMISSIONERS.

*Chap.146*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Gas and Electric Light Commissioners' Fund, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

Appropriations.

Gas and electric light commissioners, clerical assistance.  
Second assistant inspector.  
Annual report.

For clerical assistance to the gas and electric light commissioners, a sum not exceeding eight hundred dollars.

For the salary of the present second assistant inspector, the sum of one hundred dollars.

For printing and binding the annual report of the commissioners, a sum not exceeding two hundred dollars.

Rent of office.

For rent of an office for the commissioners, a sum not exceeding forty-two hundred dollars.

The above sums are in addition to any amount heretofore appropriated for the same purpose.

SECTION 2. This act shall take effect upon its passage.

*Approved March 5, 1909.*

**Chap.147** AN ACT RELATIVE TO THE BLUE BOOK EDITION OF THE ACTS AND RESOLVES OF THE GENERAL COURT.

*Be it enacted, etc., as follows:*

R. L. 9, § 2, amended.

Section two of chapter nine of the Revised Laws is hereby amended by striking out the words "twelve thousand", in the first line, and inserting in place thereof the words: — nine thousand five hundred, — so that the first paragraph of said section will read as follows: — Nine thousand five hundred copies of said volume shall be printed, and the secretary shall, immediately after their publication, deposit one of said copies in his office and distribute others as follows: —

Distribution of acts and resolves.

*Approved March 5, 1909.*

**Chap.148** AN ACT RELATIVE TO THE COMPUTATION OF INTEREST ON BONDS AND NOTES IN DEALINGS WITH THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

Computation of interest on bonds and notes.

SECTION 1. On all loans of money made to or by the commonwealth and on all bonds or notes purchased or held by the commonwealth, interest shall be computed on the basis of three hundred and sixty-five days to the year and not on the basis of three hundred and sixty days to the year.

SECTION 2. This act shall take effect upon its passage.

*Approved March 6, 1909.*



AN ACT RELATIVE TO THE TIME FOR FILING CERTIFICATES OF NOMINATION AND NOMINATION PAPERS IN TOWNS. *Chap.149*

*Be it enacted, etc., as follows:*

Section one hundred and seventy-seven of chapter five hundred and sixty of the acts of the year nineteen hundred and seven is hereby amended by striking out the word "Saturday", in the second line of the fourth paragraph, and inserting in place thereof the word: — Wednesday, — by striking out the word "Monday", in the third line of said paragraph, and inserting in place thereof the words: — second Thursday, — by striking out the word "Saturday", in the fourth line of said paragraph, and inserting in place thereof the words: — Wednesday or Thursday, — by striking out the words beginning with "preceding", in the sixth line of said paragraph, and ending with the words "before the", in the eighth line of said paragraph, by striking out the word "ninth", in the eleventh line of said paragraph, and inserting in place thereof the word: — twelfth, — and by striking out the word "seventh", in the eleventh line of said paragraph, and inserting in place thereof the word: — eleventh, — so that said paragraph will read as follows: — In towns, certificates of nomination for town offices shall be filed on or before the second Wednesday, and nomination papers, on or before the second Thursday, preceding the day of the election; but if such Wednesday or Thursday falls on a legal holiday, said certificates of nomination shall be filed on or before the succeeding day; but if a town election is held on a day of the week other than Monday, such certificates of nomination and nomination papers shall be filed respectively on or before the twelfth and eleventh days preceding the day of the election.

1907, 560,  
§ 177, amended.

Last days for  
filing certi-  
ficates of nom-  
ination in  
towns.

*Approved March 6, 1909.*

AN ACT TO AUTHORIZE THE CITY OF MELROSE TO MAKE AN ADDITIONAL WATER LOAN. *Chap.150*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Melrose, for the purpose of extending and improving its system of water works, may issue from time to time bonds, notes or scrip to an amount

Melrose Water  
Loan, Act of  
1909.

not exceeding one hundred thousand dollars in addition to the amount which it is now authorized to issue. Such bonds, notes or scrip shall bear on their face the words, Melrose Water Loan, Act of 1909; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum; and shall be signed by the treasurer of the city and countersigned by the mayor. The city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold for less than the par value thereof; and *provided, further*, that no part of the proceeds of the sale thereof shall be used in payment of running expenses.

Provisos.

Payment of  
loan.

SECTION 2. The said city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of any such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating the water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of the city in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished.

When to take  
effect.

SECTION 3. This act shall take effect upon its acceptance by the city council of said city.

*Approved March 6, 1909.*

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*Chap. 151* AN ACT TO AUTHORIZE THE LEASE OF CERTAIN LAND PURCHASED FOR PARK PURPOSES IN THE CITY OF SALEM.

*Be it enacted, etc., as follows:*

Certain land  
owned by the  
city of Salem  
may be leased,  
etc.

SECTION 1. The board of park commissioners of the city of Salem, acting for the city, is hereby authorized to grant a lease for such term, with such restrictions and

reservations, and upon such conditions as said board may deem proper, of the whole or any part of the parcel of land containing about two hundred and fifty-three thousand square feet adjoining on the south the lot upon which a high school building is being constructed. Said parcel is bounded and described as follows:—Northerly by the southerly line of the lot upon which said school building is being constructed, about three hundred and thirty-four feet, easterly by land of the Boston and Maine Railroad, about four hundred and four feet, and by land of said city, about two hundred and fifty feet, southerly by land held by said city for park purposes, about four hundred feet, and westerly by land now or late of Ware, about seven hundred feet. The land so leased shall be held for the purpose of providing for the children and teachers in the public schools in the city of Salem, and for others, such athletic sports, games, exercises, amusements and diversions as have for their object the general purpose of physical training. Said board may, upon conditions to be prescribed by it, authorize changes to be made in the grade of the land so leased, and buildings and other structures to be erected thereon to be used for the purposes above specified; and section eleven of chapter twenty-eight and section twenty of chapter fifty-three of the Revised Laws shall not apply to such buildings or other structures. Any lease made hereunder may be terminated at any time by said board by six months' notice in writing given to the lessee, or to those having his estate in the premises.

Description  
of land, etc.

Termination  
of lease.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city.

When to take  
effect.

*Approved March 6, 1909.*

AN ACT TO EXTEND THE AUTHORITY OF THE HOLYOKE  
WATER POWER COMPANY TO MANUFACTURE, SELL AND  
DISTRIBUTE ELECTRICITY FOR POWER PURPOSES.

*Chap. 152*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter three hundred and fifty of the acts of the year nineteen hundred and three is hereby amended by inserting after the word "except", in the fifteenth line, the word:—First,—and also by adding at the end of said section the words:—Second.

1903, 350, § 1,  
amended.

That it may sell electricity in any quantity to, and for any use on the premises of, any tenant occupying the whole or any part of any mill or factory building in Holyoke (a) which said Holyoke Water Power Company has acquired or may acquire between the first day of January and the first day of July, nineteen hundred and nine; (b) or which said company has constructed since the first day of January, nineteen hundred and nine, or may hereafter construct; (c) or which said company may hereafter acquire through foreclosure proceedings, or under a foreclosure sale, of a real estate purchase-money mortgage in which said company is the mortgagee; and any such tenant of any such building may purchase of said company electricity in any quantity and for any use on such tenant's premises; but these rights shall continue only so long as said Holyoke Water Power Company shall continue to own, or have an interest by virtue of a real estate purchase-money mortgage in, any such building so acquired or constructed by it as aforesaid,—so as to read as follows:—*Section 1.* The Holyoke Water Power Company, incorporated by chapter six of the acts of the year eighteen hundred and fifty-nine, is hereby authorized to manufacture electricity for power purposes, within the city of Holyoke and the town of South Hadley, and to sell and distribute the same in any of the cities and towns within the counties of Hampden or Hampshire, upon receiving the approval of the mayor and aldermen of any such city or of the selectmen of any such town: *provided, however,* that it shall not sell or deliver electricity to any one purchaser in a quantity less than one hundred horse power at any time, nor until it has made with such purchaser a written contract providing that such purchaser shall use such electricity in his own business only, and upon his own property, except—

The Holyoke Water Power Company may manufacture and sell electricity for power purposes.

Proviso.

First. That it may sell to any city or town within the counties of Hampden or Hampshire which has established or may hereafter establish a municipal lighting plant, and any such city or town may purchase of said company electricity in any quantity and for any purpose for which such city or town can legally use the same.

Second. That it may sell electricity in any quantity to, and for any use on the premises of, any tenant occupying the whole or any part of any mill or factory building

in Holyoke (a) which said Holyoke Water Power Company has acquired or may acquire between the first day of January and the first day of July, nineteen hundred and nine; (b) or which said company has constructed since the first day of January, nineteen hundred and nine, or may hereafter construct; (c) or which said company may hereafter acquire through foreclosure proceedings, or under a foreclosure sale, of a real estate purchase-money mortgage in which said company is the mortgagee; and any such tenant of any such building may purchase of said company electricity in any quantity and for any use on such tenant's premises; but these rights shall continue only so long as said Holyoke Water Power Company shall continue to own, or have an interest by virtue of a real estate purchase-money mortgage in, any such building so acquired or constructed by it as aforesaid.

SECTION 2. This act shall take effect upon its passage.

*Approved March 8, 1909.*

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO INVESTIGATE AND REPORT UPON THE IMPROVEMENT OF SALEM HARBOR.

*Chap. 153*

*Be it enacted, etc., as follows:*

SECTION 1. Upon the passage of this act the mayor of the city of Salem shall appoint, subject to confirmation by the city council, acting concurrently, five persons, inhabitants of said city, who shall constitute a commission on the improvement of Salem harbor, and shall serve without compensation. In case a vacancy shall occur in the commission, it shall be filled by appointment as aforesaid. The term of office of the commissioners shall expire three years after the date of the passage hereof.

Commission on improvement of Salem harbor, appointment, etc.

SECTION 2. The commission shall consider what improvements can be made in Salem harbor, in the channels or approaches thereto, and in the wharves and docks thereon; shall consider such other matters relating to the general commercial interests of the city in said harbor as it may deem proper, and shall from time to time make full reports, with plans and estimates, to the city council. In making its investigations the commission may expend such sums as the city council determines to be necessary,

Powers and duties.



but not more than ten thousand dollars, which sums shall be paid by the city.

When to take effect.

SECTION 3. This act shall take effect upon its acceptance by the city council of said city.

*Approved March 9, 1909.*

**Chap.154** AN ACT TO ENLARGE THE JURISDICTION OF CERTAIN COURTS AND MAGISTRATES IN CASES OF SEIZURE OF INTOXICATING LIQUORS AND OTHER PROPERTY.

*Be it enacted, etc., as follows:*

R. L. 100,  
§ 76, amended.

SECTION 1. Section seventy-six of chapter one hundred of the Revised Laws is hereby amended by striking out the word “fifty”, in the third line, and inserting in place thereof the words:—one thousand,—so as to read as follows:—*Section 76.* If, in the opinion of the court or trial justice before whom the warrant is returned, the value of the liquor seized and the vessels containing it does not exceed one thousand dollars, a notice, under seal, and signed by the justice or the clerk of said court, or by the trial justice, shall be issued within twenty-four hours after such seizure, commanding the person complained against as the keeper of the liquor seized and all other persons who claim any interest therein or in the casks or vessels containing the same to appear before said court or trial justice, at a time and place therein named, to answer to said complaint and show cause why such liquor and the vessels containing it should not be forfeited.

Notice to  
keeper of  
liquors seized.

R. L. 100, § 85,  
amended.

SECTION 2. Section eighty-five of said chapter one hundred is hereby amended by striking out the word “fifty”, in the fourth line, and inserting in place thereof the words:—one thousand,—so as to read as follows:—*Section 85.* If, in the opinion of the court or trial justice before whom a warrant under which liquor has been seized is returnable, the value of the liquor seized with the vessel containing it exceeds one thousand dollars, a notice shall be issued and served as directed in sections seventy-six and seventy-seven, except that it shall be made returnable to the sitting of the superior court for criminal business to be held in the county next after the expiration of fourteen days from the time of issuing the notice. The superior court shall have jurisdiction of the case, and may

Notice re-  
turnable to  
superior court,  
etc.



proceed therein in the manner directed in sections seventy-eight to eighty-one, inclusive, and eighty-three, as nearly as may be, and with a jury, upon any issue of facts presented by the claimant or directed by the court.

*Approved March 9, 1909.*

AN ACT RELATIVE TO THE COUNTERFEITING OF TICKETS  
OF ADMISSION TO EXHIBITIONS, CONTESTS AND OTHER  
ENTERTAINMENTS.

*Chap. 155*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter two hundred and nine of the Revised Laws is hereby amended by inserting after the word "pass", in the twenty-second line, the words:—or a ticket, badge, pass or any written or printed license purporting to entitle the holder or owner thereof to admission to any exhibition, entertainment, performance, match or contest of any kind,—so as to read as follows:—*Section 1.* Whoever, with intent to injure or defraud, falsely makes, alters, forges or counterfeits a public record, or a certificate, return or attestation of a clerk or register of a court, public register, notary public, justice of the peace, town clerk or any other public officer, in relation to a matter wherein such certificate, return or attestation may be received as legal proof; or a charter, deed, will, testament, bond or writing obligatory, letter of attorney, policy of insurance, bill of lading, bill of exchange or promissory note; or an order, acquittance or discharge for money or other property; or an acceptance of a bill of exchange, or an indorsement or assignment of a bill of exchange or promissory note for the payment of money; or an accountable receipt for money, goods or other property; or a certificate of stock, or any evidence or muniment of title to property; or a certificate of title, duplicate certificate of title, certificate issued in place of a duplicate certificate, the registration book, entry book, or any indexes provided for by chapter one hundred and twenty-eight, or the docket of the recorder; shall be punished by imprisonment in the state prison for not more than ten years or in jail for not more than two years. Whoever, with intent to injure or defraud, falsely makes, alters, forges or counterfeits a railroad ticket, railroad mileage book or railroad pass, or a

R. L. 209, § 1,  
amended.

Forgery of  
records, cer-  
tificates,  
tickets, etc.

Penalties.

ticket, badge, pass or any written or printed license purporting to entitle the holder or owner thereof to admission to any exhibition, entertainment, performance, match or contest of any kind, shall be punished by imprisonment in the state prison for not more than three years or in jail for not more than two years, or by a fine of not more than five hundred dollars.

R. L. 209, § 3,  
amended.

SECTION 2. Section three of said chapter two hundred and nine is hereby amended by inserting after the word "pass", in the eighth line, the words:— or a ticket, badge, pass or any written or printed license purporting to entitle the holder or owner thereof to admission to any exhibition, entertainment, performance, match or contest of any kind,—so as to read as follows:— *Section 3.* Whoever, with intent to injure or defraud, utters and publishes as true a false, forged or altered record, deed, instrument or other writing mentioned in the two preceding sections, knowing the same to be false, altered, forged or counterfeit, shall be punished by imprisonment in the state prison for not more than ten years or in jail for not more than two years. Whoever, with intent to injure or defraud, utters and publishes as true a false, forged or altered railroad ticket, railroad mileage book or railroad pass, or a ticket, badge, pass or any written or printed license purporting to entitle the holder or owner thereof, to admission to any exhibition, entertainment, performance, match or contest of any kind mentioned in section one, knowing the same to be false, altered, forged or counterfeited, shall be punished by imprisonment in the state prison for not more than three years or in jail for not more than two years, or by a fine of not more than five hundred dollars. *Approved March 9, 1909.*

Uttering, etc.,  
forged record,  
deed, ticket,  
etc.

Penalties.

## Chap.156 AN ACT TO INCORPORATE THE COLDBROOK CEMETERY ASSOCIATION.

*Be it enacted, etc., as follows:*

Coldbrook  
Cemetery  
Association  
incorporated.

SECTION 1. Harry B. Parker, Fred P. Kimball, Monroe C. Needham, Dwight W. Blake, Lewis B. Sibley, Charles O. Babcock, William H. Houghton, Henry W. Butterfield and Alonzo M. Butterfield, their associates and successors, are hereby made a corporation by the name of the Coldbrook Cemetery Association, for the purpose

of acquiring, holding, maintaining, improving and enlarging for a place of burial of the dead, certain land in the town of Barre, containing about half an acre, set apart for burial purposes by deed from Hiram S. Harwood to John Smith in the year eighteen hundred and forty-nine, and since that time cared for and maintained by the Barre Baptist Church, and known as the Coldbrook cemetery. The said corporation shall have all the powers and privileges and shall be subject to all the restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

SECTION 2. The said corporation is hereby authorized to acquire possession and control of said cemetery, and may purchase from time to time and may acquire by gift, bequest, devise or otherwise, and may hold, so much real and personal property as may be necessary or appropriate for the purposes of said association: *provided*, that nothing herein contained shall affect the individual rights of proprietors in said cemetery.

May acquire and hold real and personal property, etc.

Proviso.

SECTION 3. Only persons who now are or who hereafter become proprietors of lots in said cemetery, whether by deed or otherwise, and who shall sign the by-laws of said corporation, shall be members of the corporation; and whenever any person shall cease to be the proprietor of a lot, or of an interest in a lot, in said cemetery, he shall cease to be a member of the corporation.

Membership.

SECTION 4. The net proceeds of the sale of lots in the lands of the corporation and all income received from any other source by the corporation, the use of which is not determined by a trust, shall be applied exclusively to the care, maintenance, improvement or embellishment of its cemetery and the structures therein, or to the purchase of additional land for cemetery purposes, and to the payment of current and incidental expenses of the cemetery, and to no other purpose.

Proceeds of sales to be applied to improvements, etc.

SECTION 5. Said corporation is authorized to take and hold any grant, gift or bequest of property in trust or otherwise, for the care, protection, embellishment, improvement or extension of its cemetery, or for the care, embellishment, protection or improvement of any lot therein, or for the care, repair, preservation or removal of any monument, tomb, fence or other structure therein, or for planting a lot or its vicinity with trees or shrubs;

Grants, bequests, etc.

and when such gift or bequest is made the said corporation may give to the person making the same or to his representative an obligation binding the corporation to fulfil the terms of the trust.

Officers,  
powers and  
duties, etc.

SECTION 6. Said corporation may by its by-laws provide for such officers as may be necessary, and may define their powers and duties, and may also provide for the care and management of the cemetery and for the sale of lots therein, and for the management of any funds which it may hold, and for any other matters incident to the purposes of the corporation.

SECTION 7. This act shall take effect upon its passage.

*Approved March 9, 1909.*

**Chap.157** AN ACT TO AUTHORIZE THE TOWN OF ATTLEBOROUGH TO  
CONSTRUCT A SYSTEM OF SEWERAGE.

*Be it enacted, etc., as follows:*

Town of  
Attleborough  
may construct  
a system of  
sewerage, etc.

SECTION 1. The town of Attleborough is hereby authorized to lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or the whole of its territory, with such connections and other works as may be required for a system of sewage disposal; and, for the purpose of providing better surface or other drainage, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best. For the purposes aforesaid the town may, within its limits, deepen, widen and clear of obstruction any brook, stream or water course, and may straighten or alter the channel or divert the water thereof, and may lay, make and maintain sub-drains, and, with the approval of the state board of health, discharge the water into any brook, stream or water course within the town.

Sewer com-  
missioners,  
election,  
terms, etc.

SECTION 2. The town shall elect a board of three commissioners, to be called sewer commissioners, who shall be citizens and residents of the town and shall be elected by ballot at an annual meeting of the town, one commissioner to hold office for one year, one for two years and one for three years, respectively, from the date of the annual town meeting at which he is elected, and until his successor is elected and qualified; and at each annual town meeting thereafter, the town shall elect one member

of the board to serve for three years or until his successor is elected and qualified.

SECTION 3. Said board of commissioners, acting in behalf of the town, shall have power to acquire by purchase or otherwise any lands in fee, any water rights, rights of way and easements in said town, public or private, necessary for any of the purposes mentioned in this act, and may construct within the town such main drains and sewers under or over any water course, bridge, aqueduct, conduit, railroad, railway or way, or within the location of any railroad or railway, and may enter upon and dig up any private land, street or way, or railroad or railway location, for the purpose of laying such main drains and sewers, and of maintaining and repairing the same, and may do any other thing necessary or proper for the purposes of this act: *provided, however*, that said commissioners shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drains or sewers within the location of any railroad corporation, except at such time and in such manner as they may agree upon with such corporation, or in case of failure to agree, as may be approved by the board of railroad commissioners; and said board of sewer commissioners, acting in behalf of the town, shall have power to acquire by purchase or otherwise, that part of the Henry C. Read farm, so-called, which is located in the town of Seekonk, containing about forty-five acres, together with the land lying immediately between the said farm land and the Ten Mile river, containing about five acres, and bounded as follows:—Beginning on the southerly side of the highway leading from the residence of the late Henry C. Read, easterly into Seekonk, at the stone monument marking the division line between Attleborough and Seekonk, thence southerly by the highway about thirty feet to an angle, thence by the highway south seven and three fourths degrees west two hundred and fifty-one and five tenths feet to a stone bound, thence north eighty and three fourths degrees west seven hundred and sixty-one feet, thence north eighty-one and three fourths degrees west four hundred and twenty-three and five tenths feet to a stone bound, thence southerly about six hundred and twenty feet, thence easterly about three hundred and fifty feet, thence southerly about six hundred

May acquire  
land, water  
rights, etc.

Proviso.

Boundary lines  
of land to be  
acquired.



feet to the Ten Mile river, thence westerly by the Ten Mile river to the westerly line of Seekonk, thence north-erly by the westerly line of Seekonk to the southerly line of Attleborough, thence easterly by the southerly line of Attleborough to the first mentioned corner; and said board shall have authority to construct a sewage disposal plant thereon, and to discharge the effluent therefrom into the Ten Mile river.

Description of  
lands, etc., to  
be recorded.

SECTION 4. Said board, in order to take any land in fee, water rights, rights of way or easements, otherwise than by purchase or agreement, shall file and cause to be recorded in the registry of deeds for the county of Bristol a statement signed by a majority of the board, containing a description thereof as certain as is required in a conveyance of land, and specifying that the same are taken under authority of this act; and upon such recording title to the lands, water rights, rights of way or easements described in such statement shall vest in the town of Attleborough, which shall pay all damages therefor and all other damages sustained by any person or corporation through any action of said board under this act. Said board at the time of such taking shall notify the owners thereof in writing, and may agree with any person or corporation injured hereunder, upon the damages sustained by such person or corporation; and if the damages are not agreed upon a jury in the superior court for said county may be had to determine the same, upon petition of either party, in the manner provided by law for determining the damages for land taken for the laying out of high-ways; but in the case of a taking no suit or petition shall be brought after the expiration of two years from the date of the recording of the taking as herein provided; and in all other cases no suit or petition shall be brought after the expiration of two years from the time when the cause of action accrues.

Damages.

Town may  
offer a speci-  
fied sum for  
damages, etc.

SECTION 5. In every case of a petition for the assess-ment of damages or for a jury the town may at any time file in the office of the clerk of the court an offer in writing to pay the petitioner a sum therein specified as damages; and if the petitioner does not accept the same within thirty days after notice of such offer, and does not finally recover a sum greater than that offered, not including interest from the date of the offer on the sum so recovered,



the town shall recover costs from the date of such notice, and the petitioner shall be entitled to costs only to such date.

SECTION 6. The town of Attleborough, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness to an amount not exceeding three hundred thousand dollars, and may issue from time to time therefor bonds or notes; and said indebtedness shall not be reckoned in determining the statutory limit of indebtedness of the town. Such bonds or notes shall bear on their face the words, Attleborough Sewerage Loan, Act of 1909, shall be payable within periods not exceeding thirty years from the dates of issue, and shall bear interest payable semi-annually at a rate not exceeding four per cent per annum. They shall be signed by the treasurer of the town and countersigned by a majority of the selectmen. The town may from time to time sell such securities or any part thereof at public or private sale, or pledge the same for money borrowed for the purposes of this act, provided they shall not be sold at less than the par value thereof. The proceeds thereof shall be retained in the treasury, and the treasurer shall, upon the order of the said board of sewer commissioners, pay therefrom the expenses incurred for the purposes aforesaid.

Attleborough  
Sewerage  
Loan, Act of  
1909.

SECTION 7. The town shall at the time of authorizing the said loan provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed the amount required thereby, less the amount that may be appropriated therefor as provided in the following section, shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished.

Payment of  
loan.

SECTION 8. The receipts from sewer assessments and from payments made in lieu thereof, and the premium, if any, received from the sale of bonds or notes issued under the authority of this act, shall be applied by the board of sewer commissioners to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage, or to the extension thereof, except that the town may apply any part of such receipts

Payment of  
operating ex-  
penses, etc.

to the payment of the interest upon notes or bonds issued under authority of this act, and not otherwise provided for, or to the payment or redemption of such bonds or notes, as the town shall by vote determine, and the said receipts shall be used for no other purpose. If such receipts shall not in any year be sufficient for the purposes aforesaid the town shall raise forthwith by taxation, in the same manner in which money is raised and appropriated for other town purposes, the balance required therefor.

Apportion-  
ment of costs.

Proviso.

Assessments to  
constitute a  
lien upon  
estates, etc.

Payment of  
assessments,  
etc.

SECTION 9. The town of Attleborough shall determine by vote what proportion of the cost of said system or systems of sewerage and sewage disposal the town shall pay: *provided*, that it shall not pay less than one quarter of the whole cost. The remaining cost of the said system or systems shall be borne by the owners of the estates situated within the territory embraced and benefited thereby, upon such equitable rate, proportionate to the benefit derived, and based upon the measurement of the area of the lots, or according to the valuation of the property, or in such other legal manner as may be determined by the town at a meeting called for that purpose; but no estate shall be deemed to be benefited until a sewer is constructed capable of receiving the drainage. Assessments made as herein provided shall constitute a lien upon the estates assessed to a depth of one hundred feet from the street or way in which the sewer is laid, if such estate be of such depth, but if the estate is less than one hundred feet in depth, then to the rear of the estate. In the case of corner estates abutting on more than one sewer street the same area shall not be assessed twice.

SECTION 10. When in any street or way or part of a street or way, public or private, a sewer included in any system now constructed or hereafter to be constructed, is finished and ready for use, the board of sewer commissioners shall file a certificate with the town collector, designating the street or way or part thereof in which the sewer has been finished, and setting forth the names of the owners of the estates abutting and benefited, and the amount of the assessment and charge to be paid by each, and referring to a plan on file in the town clerk's office, or in the office of the board of sewer commissioners, which plan shall show the frontage, the name of the

owner, the amount of assessment of each estate abutting and benefited by the said sewer on said street or way. The collector shall upon receipt of such certificate make a demand in writing for the payment of such assessment or charge, and every owner shall within three months after such demand is served upon him or upon the occupant of such estate, or sent by mail to the last address of the owner known to the collector, pay to the town collector the sum so assessed or charged: *provided*, that said board shall on the written request of any owner, made within three months, apportion such assessment or charge into such a number of equal parts or instalments, not exceeding ten, as the owner shall designate in such request, and they shall specify such apportionment to the assessors. Interest from the date of such apportionment at the rate of five per cent per annum shall be added to each of such assessments or charges until they are paid, and one of such parts or instalments shall be added by the assessors to the annual tax of such estates for each year next ensuing until all such parts have so been added, unless paid before, as hereinafter provided. Nothing herein shall be construed to prevent the payment at any time in one payment, notwithstanding its prior apportionment, of any remainder of any assessment or charges then remaining unpaid, but interest on such balance at the rate of five per cent per annum shall be paid to the date of such payment, and thereupon the town collector shall receive the same and certify such payment or payments to the assessors, who shall preserve a record thereof.

Proviso.

SECTION 11. The assessment or charge aforesaid shall constitute a lien upon the estate, which shall continue for two years after the said certificate is made and filed, and after the demand aforesaid is made, or in case of apportionment, until the expiration of two years from the time when the last instalment is committed to the collector. Said assessment, together with interest at the rate of five per cent per annum with incidental cost and expenses, may be levied by the sale of such estate, or so much thereof as shall be sufficient to discharge the assessment and interest and intervening charges, if the assessment is not paid within three months after the service of said notice, or, if it has been apportioned, within three months after any portion has become due. Such sale and all proceed-

Assessments  
to constitute  
lien upon  
estate, etc.

ings connected therewith shall be conducted in the same manner in which sales for the non-payment of taxes are conducted, and real estate so sold may be redeemed in the same manner as if it were sold for the non-payment of taxes. Such assessments or parts thereof may also be collected by an action of contract in the name of the town of Attleborough against the owner of such estate, brought at any time within two years after the same has become due.

Person aggrieved may apply for a jury, etc.

SECTION 12. Any person aggrieved by such assessment may at any time within three months after the service of the demand mentioned in section eight of this act apply to the superior court for said county for a jury to revise the same, but before making such application he shall give to said commissioners fourteen days' notice in writing, and shall therein specify particularly his objection to the assessment, to which specification he shall be confined in his hearing before a jury.

Clerk and superintendent, appointment, etc.

SECTION 13. Said board of sewer commissioners shall annually appoint a clerk, and may appoint a superintendent of sewers, who shall not be a member of the board, and may remove said clerk or superintendent at its pleasure, and may fix the pay of the clerk and superintendent, and define their duties. The compensation of the commissioners shall be fixed by the town.

Contracts.

SECTION 14. All contracts made by the said board of sewer commissioners shall be made in the name of the town and shall be signed by the board, but no contract shall be made or obligation incurred by the commissioners for any purpose in excess of the amount of money appropriated by the town therefor.

Commissioners may make rules, etc.

SECTION 15. Said commissioners may from time to time prescribe rules and regulations for the connection of estates and buildings with main drains and sewers, and for inspection of the materials, the construction, alteration and use of all connections and drains entering into such main drains or sewers, and may impose penalties not exceeding twenty dollars for each violation of any such rule or regulation. Such rules and regulations shall be published not less than once a week for three successive weeks in some newspaper published in the town of Attleborough, if there be any, and if not, then in some

newspaper published in the county of Bristol, and shall not take effect until such publication has been made.

SECTION 16. No act shall be done under authority of the preceding sections, except in the making of surveys and other preliminary investigations, until the plans for the said system of sewerage have been approved by the state board of health. Upon application to said board for such approval the board shall give a hearing, after due notice to the public. At such hearing plans showing in detail all the work to be done in constructing said system of sewerage shall be submitted for the approval of the state board of health.

Plans to be approved by state board of health.

SECTION 17. Until said board of sewer commissioners shall have been elected as provided in this act the town may carry on the construction of the system of sewerage by a duly authorized committee of the town, but for a period not longer than until the annual meeting next but one after the commencement of said work of construction. Said committee shall serve without pay and shall have all the powers and authority given to the board of sewer commissioners in this act or by the general laws relating to boards of sewer commissioners.

Town may commence construction.

SECTION 18. This act shall take effect upon its passage, but no expenditure shall be made and no liability incurred hereunder until this act has been accepted by vote of a majority of the voters of said town voting thereon at a legal meeting called for the purpose.

When to take effect.

*Approved March 10, 1909.*

AN ACT TO AUTHORIZE THE BOSTON PROTECTIVE DEPARTMENT TO HOLD ADDITIONAL REAL AND PERSONAL PROPERTY.

*Chap. 158*

*Be it enacted, etc., as follows:*

SECTION 1. The Boston Protective Department is hereby authorized to acquire by purchase, devise or otherwise, and to hold real and personal property for the use of said corporation, to an amount not exceeding two hundred and fifty thousand dollars, and may sell and convey any part thereof, subject to the laws of the commonwealth.

The Boston Protective Department may hold real and personal property, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved March 10, 1909.*



*Chap.159* AN ACT TO INCORPORATE THE LYNN POLICE RELIEF ASSOCIATION.

*Be it enacted, etc., as follows:*

Lynn Police Relief Association incorporated.

SECTION 1. John A. Garney, Timothy Lee, William H. Kane, John T. Curry, James H. Broad and Loring Burrill, their associates and successors, all of whom shall be members of the police department of the city of Lynn, are hereby made a corporation, by the name of the Lynn Police Relief Association, for the purpose of assisting the families of deceased members of said association, and the members thereof when sick and disabled, or upon the decease of their wives; with all the powers and privileges and subject to all the liabilities, duties and restrictions set forth in all general laws now or hereafter in force relating to such corporations, except as is otherwise herein provided.

Not to be subject to certain provisions of law, etc.

SECTION 2. The said Lynn Police Relief Association shall not be subject to the provisions of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven, nor to the provisions of chapters one hundred and nineteen and one hundred and twenty of the Revised Laws, and acts in amendment thereof, nor shall the said association be summoned as trustee in any action or process against any person who may hereafter be entitled to assistance from said association under the by-laws thereof or under the provisions of this act.

Payment of benefits.

SECTION 3. The benefits to accrue by reason of the decease of members of the said association may be paid, in such manner as the by-laws shall provide, to the wife, child, child by legal adoption, parent, parent by legal adoption or persons named in the benefit certificate: *provided, however*, that when all the persons who might have a legal claim for support against a member have died or have ceased to have such claim, then, with the approval of the officers of the said association, and subject to such rules as they may prescribe, any other person or any charitable or educational or religious corporation may be named as beneficiary.

Proviso.

Gifts, bequests, etc.

SECTION 4. Said association, for the purposes aforesaid, shall have power to receive gifts, grants, devises and



bequests, and may hold real and personal estate to an amount not exceeding one hundred thousand dollars.

SECTION 5. This act shall take effect upon its passage.  
*Approved March 10, 1909.*

AN ACT TO REQUIRE MARGINAL REFERENCES ON THE RECORDS OF CERTAIN MORTGAGES. Chap.160

*Be it enacted, etc., as follows:*

SECTION 1. When an assignment, extension, partial release, release, or discharge of a recorded mortgage of land, or a certificate of the taking or surrender of possession for foreclosure of such a mortgage, or an affidavit of notice of sale under a power of sale under such a mortgage, or an execution for possession of the premises conveyed by such a mortgage or any other instrument purporting to affect such a mortgage, is recorded, and it contains a reference by book and page to the record of the mortgage, the register shall enter upon the margin of the record of such mortgage, if recorded in the same registry, a note of reference to the record of such assignment, extension, partial release, release, or discharge, certificate, affidavit, execution, or other instrument, and shall be entitled to receive therefor twenty-five cents.

Marginal references to be made on record of certain mortgages, etc.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 10, 1909.*

AN ACT TO PERMIT THE TOWN OF HYDE PARK TO DISPOSE OF SEWAGE FROM A CERTAIN PARCEL OF LAND IN MILTON. Chap.161

*Be it enacted, etc., as follows:*

SECTION 1. The selectmen of the town of Hyde Park may enter into an agreement with Jennie B. Humphrey or her successors in title, for the disposal of sewage from land in Milton now owned by said Humphrey and may permit said Humphrey or her successors in title to make such connections with the sewers now or hereafter to be constructed by said town as may be required for such disposal, upon such terms and conditions as may be agreed upon from time to time between said board of select-

Town of Hyde Park may dispose of sewage from certain land in Milton.

men and said Jennie B. Humphrey or her successors in title.

SECTION 2. This act shall take effect upon its passage.

*Approved March 11, 1909.*

**Chap.162** AN ACT TO AUTHORIZE THE REMOVAL OF REMAINS IN MINGO CEMETERY IN THE CITY OF FALL RIVER.

*Be it enacted, etc., as follows:*

Removal of remains in Mingo cemetery in city of Fall River.

SECTION 1. The city of Fall River is hereby authorized to remove the remains of the bodies lying in Mingo cemetery, situated on the north side of Pleasant street, in the said city, and bounded northerly by land of the city, easterly by land of David Ouellette, southerly by Pleasant street, and westerly by other land of the city, and to bury the said remains in Oak Grove cemetery in the said city, at its own expense; and thereafter the land in Mingo cemetery heretofore used for cemetery purposes may be used for other purposes.

SECTION 2. This act shall take effect upon its passage.

*Approved March 13, 1909.*

**Chap.163** AN ACT TO CONFIRM THE ACTS OF THOSE PERSONS WHO HAVE ASSUMED TO ACT AS THE TRUSTEES OF THE EAST SUDBURY MINISTERIAL FUND.

*Be it enacted, etc., as follows:*

Acts of certain persons as Trustees of the East Sudbury Ministerial Fund confirmed.

SECTION 1. The acts of those persons who have assumed to act as the Trustees of the East Sudbury Ministerial Fund are hereby confirmed and made valid, to the same extent as if they had been such trustees.

SECTION 2. This act shall take effect upon its passage.

*Approved March 13, 1909.*

**Chap.164** AN ACT TO CONFIRM CERTAIN ACTS OF THE FIRST PARISH IN WAYLAND, AND TO CHANGE THE NAME OF THE FIRST PARISH IN EAST SUDBURY.

*Be it enacted, etc., as follows:*

Certain acts of the First Parish in Wayland confirmed.

SECTION 1. Such of those acts, recorded as acts of the First Parish in Wayland or of the officers thereof, as would have been legal and valid if they had been acts of the First Parish in East Sudbury or of the officers thereof are hereby confirmed and made valid.

SECTION 2. The name of the First Parish in East Sudbury is hereby changed to the First Parish in Wayland. Name changed.

SECTION 3. Those persons who at the time of the passage of this act shall be members or legal voters of the First Parish in East Sudbury shall be members or legal voters, respectively, of the First Parish in Wayland. Membership.

SECTION 4. All property, rights and privileges of the First Parish in East Sudbury shall, from and after the passage of this act, be vested in the First Parish in Wayland. Property, etc., to vest in First Parish in Wayland.

SECTION 5. This act shall take effect upon its passage  
*Approved March 13, 1909.*

AN ACT RELATIVE TO THE SUM ALLOWED THE CLERK OF THE SUPREME JUDICIAL COURT OF THE COMMONWEALTH FOR CLERK HIRE. *Chap. 165*

*Be it enacted, etc., as follows:*

SECTION 1. Section thirty-three of chapter one hundred and sixty-five of the Revised Laws is hereby amended by adding at the end thereof the words:—*provided*, that, in case the office of assistant clerk is not filled, the clerk of the court shall receive eight hundred dollars a year for clerk hire,—so as to read as follows:—*Section 33.* The clerk of the court for the commonwealth shall receive from the commonwealth an annual salary of three thousand dollars, and five hundred dollars a year for clerk hire, and the assistant clerk shall receive from the commonwealth an annual salary of fifteen hundred dollars: *provided*, that, in case the office of assistant clerk is not filled, the clerk of the court shall receive eight hundred dollars a year for clerk hire. R. L. 165, § 33, amended.

Clerk and assistant clerk of supreme judicial court, salaries, etc.

Proviso.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 13, 1909.*

AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL JUDGE OF PROBATE AND INSOLVENCY IN EACH OF THE COUNTIES OF FRANKLIN AND HAMPSHIRE. *Chap. 166*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter one hundred and ten of the acts of the year nineteen hundred and eight is hereby amended by inserting after the word "Berkshire", 1908, 110, § 1, amended.

Special judges of probate and insolvency in certain counties, appointment, etc.

in the second line, the words: — Franklin, Hampshire, — so as to read as follows: — *Section 1.* A special judge of probate and insolvency shall be appointed in each of the counties of Berkshire, Franklin, Hampshire and Hampden, who may perform the duties of the judge of probate and insolvency in the county for which he is appointed, in cases of vacancy in office, sickness, disability on account of interest of such judge, or whenever the judge in a writing filed with the register requests the special judge to perform his duties; or, in case of the absence of the judge from the county, whenever the register, in a writing certifying such absence, shall so request.

SECTION 2. This act shall take effect upon its passage.

*Approved March 13, 1909.*

**Chap. 167** AN ACT RELATIVE TO SERGEANTS OF THE FIRST CLASS AND SERGEANTS OF THE HOSPITAL CORPS OF THE MILITIA.

*Be it enacted, etc., as follows:*

1908, 604, § 79, repealed.

SECTION 1. Section seventy-nine of chapter six hundred and four of the acts of the year nineteen hundred and eight, which provides that sergeants of the first class and eight sergeants of the hospital corps shall have the qualifications prescribed for a medical officer, or shall be registered as pharmacists, is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

*Approved March 13, 1909.*

**Chap. 168** AN ACT RELATIVE TO THE PROPRIETORS OF THE SECOND CONGREGATIONAL CHURCH IN LYNN.

*Be it enacted, etc., as follows:*

The Proprietors of the Second Congregational Church in Lynn may hold, etc., real and personal property, etc.

SECTION 1. The Proprietors of the Second Congregational Church in Lynn, a corporation established by an act approved June fourteenth, eighteen hundred and twenty-three, is hereby authorized to acquire, hold and manage such property, both real and personal, as may be necessary for its objects, to an amount not exceeding two hundred and fifty thousand dollars.

Membership.

SECTION 2. Said corporation may, by vote at a meeting of the proprietors duly called, provide for the admission as members of the corporation of such persons other

than those owning pews in the meetinghouse of the corporation, as it may deem fit.

SECTION 3. This act shall take effect upon its passage.

*Approved March 13, 1909.*

AN ACT RELATIVE TO THE NASHUA RESERVOIR COMPANY. *Chap.169*

*Be it enacted, etc., as follows:*

SECTION 1. Section two of chapter fifty-eight of the acts of the year eighteen hundred and forty-two is hereby amended by striking out the word "ten", in the fifth line, and inserting in place thereof the words:—one hundred,—and by striking out the word "two", in the seventh line, and inserting in place thereof the words:—one hundred,—so as to read as follows:—*Section 2.* Said corporation are hereby authorized to make and construct all necessary dams, gates and trenches for the purpose aforesaid, and may purchase and hold real estate to such extent as may be necessary for such purposes, not to exceed in amount one hundred thousand dollars, and may hold personal estate for the purpose aforesaid, not exceeding one hundred thousand dollars: *provided, nevertheless,* that nothing in this act contained shall impair or change, without their consent, the rights of any individual or individuals, other than the petitioners.

1842, 58, § 2,  
amended.

The Nashua  
Reservoir  
Company may  
hold real and  
personal  
estate, etc.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved March 13, 1909.*

AN ACT RELATIVE TO THE COMPENSATION OF MEMBERS OF THE MILITIA WHO ARE INJURED IN THE DISCHARGE OF THEIR DUTY. *Chap.170*

*Be it enacted, etc., as follows:*

SECTION 1. Section one hundred and ninety-eight of chapter six hundred and four of the acts of the year nineteen hundred and eight is hereby amended by inserting after the word "receive", in the eleventh line, the words:—such compensation as shall be fixed by a board appointed to inquire into his claim, not exceeding in amount,—so as to read as follows:—*Section 198.* A member of the volunteer militia or of the naval brigade who shall, when on duty or when assembled therefor under the provisions of sections one hundred and forty-one, one hun-

1908, 604,  
§ 198,  
amended.

Compensation  
for injuries to  
members of the  
militia, etc.

Investigation  
of claims, etc.

dred and forty-two, one hundred and fifty-one, one hundred and fifty-two, or one hundred and sixty, receive any injury, by reason of such duty or assembly, or who shall without fault or neglect on his part be wounded or disabled while performing any such lawfully ordered duty, which shall temporarily incapacitate him from pursuing his usual business or occupation, shall, during the period of such incapacity, receive such compensation as shall be fixed by a board appointed to inquire into his claim, not exceeding in amount the pay provided for by this act and actual necessary expenses for care and medical attendance. All claims arising under this section shall be inquired into by a board of three officers, at least one being a medical officer, to be appointed by the commander-in-chief upon the application of the member making the claim. Such board shall have the same power to take evidence, administer oaths, issue subpœnas and compel witnesses to attend and testify and produce books and papers, and punish their failure to do so, as is possessed by a general court-martial. The findings of the board shall be subject to the approval of the commander-in-chief. The amount found due such member by said board, to the extent that its findings are approved by the commander-in-chief, shall be a charge and shall be paid in like manner as other military accounts are paid.

SECTION 2. This act shall take effect upon its passage.

*Approved March 13, 1909.*

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*Chap. 171* AN ACT RELATIVE TO THE INDEBTEDNESS OF THE CITY OF NEW BEDFORD FOR A BUILDING FOR MUNICIPAL PURPOSES.

*Be it enacted, etc., as follows:*

1907, 352. § 1,  
etc., amended.

SECTION 1. Section one of chapter three hundred and fifty-two of the acts of the year nineteen hundred and seven, as amended by chapter one hundred and forty-one of the acts of the year nineteen hundred and eight, is hereby further amended by striking out the words "three hundred thousand", in the fifth line, and inserting in the place thereof the words:—three hundred and eighty-five thousand,—so as to read as follows:—*Section 1.* Section one of chapter three hundred and fifty-two of the acts of the year nineteen hundred and seven is hereby



amended by inserting after the word "four", in the twelfth line, the words: — and one half, — so as to read as follows: — *Section 1.* The city of New Bedford, for the purpose of acquiring a suitable site and for constructing thereon a building for municipal purposes, and for equipping the same, may incur indebtedness to an amount not exceeding three hundred and eighty-five thousand dollars, and may issue bonds, notes or scrip therefor, to be denominated on the face thereof, New Bedford Municipal Building Loan, Act of 1907. Such bonds, notes or scrip shall be signed by the treasurer of the city and countersigned by the mayor. They shall be payable at the expiration of periods not exceeding twenty years from the dates of issue, shall bear interest at a rate not exceeding four and one half per cent per annum, and shall not be reckoned in determining the statutory limit of indebtedness of the city. The city may sell such securities at public or private sale or pledge the same for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold or pledged for less than their par value.

New Bedford  
Municipal  
Building Loan,  
Act of 1907.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved March 15, 1909.*

AN ACT RELATIVE TO THE INDEBTEDNESS OF THE CITY  
OF NEW BEDFORD FOR RECONSTRUCTING ITS CITY HALL  
AS A PUBLIC LIBRARY BUILDING.

*Chap. 172*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter three hundred and fifty-three of the acts of the year nineteen hundred and seven, as amended by chapter one hundred and forty of the acts of the year nineteen hundred and eight, is hereby further amended by striking out the words "two hundred thousand", in the sixth line, and inserting in place thereof the words: — two hundred and seventy-five thousand, — so as to read as follows: — *Section 1.* Section one of chapter three hundred and fifty-three of the acts of the year nineteen hundred and seven is hereby amended by striking out the words "one hundred and fifty", in the sixth line, and inserting in place thereof the words: — two hundred, — and by inserting after the word "four", in the thirteenth line, the words: — and one half, — so

1907, 353, § 1,  
etc., amended.

New Bedford  
Library Loan,  
Act of 1907.

as to read as follows:— *Section 1.* The city of New Bedford, for the purpose of repairing, altering and reconstructing its existing city hall so as to adapt it for use as a public library, and for the purpose of equipping the same with the necessary furnishings of a public library, may incur indebtedness to an amount not exceeding two hundred and seventy-five thousand dollars, and may issue bonds, notes or scrip therefor, to be denominated on the face thereof, New Bedford Library Loan, Act of 1907. Such bonds, notes or scrip shall be signed by the treasurer of the city and countersigned by the mayor, shall be payable at the expiration of periods not exceeding twenty years from the dates of issue, and shall bear interest at a rate not exceeding four and one half per cent per annum, and shall not be reckoned in determining the statutory limit of indebtedness of the city. The city may sell such securities at public or private sale or pledge the same for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold or pledged for less than their par value.

Proviso.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 15, 1909.*

**Chap. 173** AN ACT RELATIVE TO THE PURCHASE OF GAS AND ELECTRICITY BY CERTAIN CITIES AND TOWNS.

*Be it enacted, etc., as follows:*

Gas and electricity may be purchased by certain cities and towns.

SECTION 1. A city or town which has acquired a plant for the manufacture or distribution of gas may purchase gas from another city or town or from any corporation manufacturing gas; and a city or town which has acquired a plant for the manufacture or distribution of electricity may purchase electricity from another city or town or from any corporation manufacturing electricity.

Repeal.

SECTION 2. Section eighteen of chapter thirty-four of the Revised Laws is hereby repealed.

SECTION 3. This act shall take effect upon its passage.  
*Approved March 16, 1909.*

AN ACT RELATIVE TO CERTAIN EMPLOYEES IN THE DE- *Chap.174*  
PARTMENT OF THE SERGEANT-AT-ARMS.

*Be it enacted, etc., as follows:*

SECTION 1. The sergeant-at-arms may employ in his department a clerk who shall have charge of the legislative document room, at a salary of fourteen hundred dollars a year; a clerk in his office who shall have charge of the supplies, the filling of requisitions and other matters of that nature, at a salary of fourteen hundred dollars a year; and two messengers at a salary of twelve hundred dollars a year each. Sergeant-at-arms' clerks and messengers, appointment, etc.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.  
*Approved March 16, 1909.*

AN ACT TO AUTHORIZE ADVANCE APPORTIONMENTS UPON *Chap.175*  
THE CITIES OF BOSTON AND CAMBRIDGE FOR THE PURPOSE OF MEETING CERTAIN EXPENSES OF THE CHARLES RIVER BASIN.

*Be it enacted, etc., as follows:*

In the year nineteen hundred and nine, and in each year thereafter until an apportionment shall have been made under authority of section nine of chapter four hundred and sixty-five of the acts of the year nineteen hundred and three, as amended by section two of chapter four hundred and two of the acts of the year nineteen hundred and six, the treasurer and receiver general shall apportion to the cities of Boston and Cambridge such part of the amounts required to meet the interest and sinking fund requirements for the amounts expended by the commonwealth under said chapter four hundred and sixty-five, as amended, as he shall deem just and equitable, and the amounts so apportioned shall be paid by said cities into the treasury of the commonwealth as a part of their state taxes. The apportionment made under the provisions of this act shall not be taken as a precedent and shall in no way affect the apportionment to be made under said section nine as amended. The payments made hereunder shall be adjusted by the treasurer and receiver general Apportionment of certain expenses of the Charles river basin.

in the assessment first made after the apportionment under said section nine by a deduction therefrom or by an addition thereto, so as to give effect to the apportionment made under said section nine.

*Approved March 18, 1909.*

**Chap.176** AN ACT RELATIVE TO THE METHUEN WATER COMPANY.

*Be it enacted, etc., as follows:*

Certain acts of  
the town of  
Methuen  
confirmed, etc.

SECTION 1. The purchase of the franchise, property, rights and privileges of the Methuen Water Company by the town of Methuen, and the transfer and conveyance thereof by said corporation to said town is ratified and confirmed. The rights, powers, privileges and authority previously conferred upon and granted to said Methuen Water Company by the act to which this act is in addition are hereby granted to and vested in said town, subject to the conditions, provisions, duties and liabilities in said act contained, except as herein otherwise provided. The acts of said town and its agents in execution of the purposes of the act to which this act is in addition, so far as the same may appear to be invalid from any want of authority on the part of said town, are authorized, ratified and confirmed.

Same subject.

SECTION 2. The acts of said town in the taking and withdrawal of water, from sub-soil sources, by means of certain driven wells, so-called, driven upon land purchased by said town by deeds dated January 31, 1896, February 6, 1896, and October 17, 1902, and recorded with north district Essex deeds, book 153, page 539, book 170, page 290, book 200, page 135, so far as the same may appear to be invalid from any want of authority on the part of said town, or for failure to file a certificate or certificates of taking in the registry of deeds for the northern district of the county of Essex, as provided by chapter three hundred and ten of the acts of the year eighteen hundred and ninety-two, are authorized, ratified and confirmed. The right to withdraw by means of driven wells, so-called, from sub-soil sources, all water found within the premises described in said deeds is hereby granted to and vested in said town, but the granting and vesting of such right shall not be construed to limit the

rights, powers, privileges and authority previously conferred upon, and granted to said town by this act and the act to which this act is in addition.

SECTION 3. The said town shall pay all damages sustained by any person or corporation, in property, by the withdrawal by said town of water from said above mentioned premises, under the authority of this act. Any person or corporation sustaining damages, as aforesaid, by such withdrawal of water, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within a period of one year from the acceptance of this act by the said town, but no damages shall be assessed in such proceeding which would have been barred had this act not been passed.

Damages.

SECTION 4. This act shall take effect upon its acceptance by said town at any meeting legally called for such purpose.

When to take effect.

*Approved March 18, 1909.*

AN ACT RELATIVE TO THE USE AND CARE OF WATER METERS IN THE CITIES AND TOWNS OF THE METROPOLITAN WATER DISTRICT.

*Chap. 177*

*Be it enacted, etc., as follows:*

SECTION 1. Section three of chapter five hundred and twenty-four of the acts of the year nineteen hundred and seven is hereby amended by striking out the last sentence and inserting in place thereof the following:—It shall be the duty of the metropolitan water and sewerage board to supervise and promote the enforcement of the provisions of this act, and if any city, town, district or corporation violates or neglects in any respect to comply with the provisions hereof, said board shall forthwith give written notice of such violation or neglect, together with the facts relative thereto, to the attorney-general for his action in the premises. The supreme judicial court shall have jurisdiction, upon an information in equity filed by the attorney-general, to enforce all the terms and provisions of this act, — so as to read as follows:—*Section 3.* Meters shall receive the necessary care and maintenance to secure proper efficiency and shall be tested or

1907, 524, § 3, amended.

Care and maintenance of water meters, etc.



replaced by the city, town, district or water company whenever there is reason to believe that the records furnished by them are inaccurate, or whenever the service furnished is in other respects inefficient. Cities, towns, districts and corporations may make rules and regulations relative to the care, maintenance and protection of meters, and for properly ascertaining and recording the amount of water actually used during specified periods by each water consumer. It shall be the duty of the metropolitan water and sewerage board to supervise and promote the enforcement of the provisions of this act, and if any city, town, district or corporation violates or neglects in any respect to comply with the provisions hereof, said board shall forthwith give written notice of such violation or neglect, together with the facts relative thereto, to the attorney-general for his action in the premises. The supreme judicial court shall have jurisdiction, upon an information in equity filed by the attorney-general, to enforce all the terms and provisions of this act.

1907, 524, § 4,  
amended.

Penalties for  
refusal to in-  
stall water  
meters.

SECTION 2. Said chapter five hundred and twenty-four is hereby further amended by striking out section four and inserting in place thereof the following:—  
*Section 4.* If a city, town, district or corporation in any year neglects or refuses to comply with the provisions of section one, it shall forfeit to the commonwealth for the use of the metropolitan water district not less than twenty dollars and not more than one hundred dollars for each day after the expiration of said year during which such violation or neglect continues. The penalties or forfeitures which may be incurred hereunder may be recovered in an action of contract brought in the county of Suffolk in the name of the commonwealth, or may be recovered by an information in equity in the name of the attorney-general at the relation of the metropolitan water and sewerage board, brought in the supreme judicial court for the county of Suffolk.

When to take  
effect.

SECTION 3. Section one of this act shall take effect upon its passage, and section two shall take effect on the first day of January, nineteen hundred and ten.

*Approved March 18, 1909.*



AN ACT RELATIVE TO THE EXPENDITURES OF THE SCHOOL COMMITTEE OF THE CITY OF LYNN. *Chap.178*

*Be it enacted, etc., as follows:*

SECTION 1. The school committee of the city of Lynn shall forthwith after the passage of this act, and on or before the first day of February in each year thereafter, by vote of a majority of all of its members, taken by yeas and nays, make appropriations for the support of the public schools of said city for the financial year, including repairs and alterations of school buildings and any pensions payable by law to school teachers. Such appropriations shall be made by items specifying the purpose for which the money is to be expended. Such appropriations shall be included within the tax limit of said city for municipal purposes as now established by law, and shall not exceed in the aggregate, for the financial year ending on the nineteenth day of December in the year nineteen hundred and ten, the sum of four dollars and ninety cents upon each one thousand dollars of the valuation of the taxable property in said city as ascertained under the provisions of law limiting the rate of taxation in said city, and for the financial year ending on the nineteenth day of December in the year nineteen hundred and eleven, and for each financial year thereafter, the sum of five dollars upon each one thousand dollars so ascertained for the maintenance of the school department as aforesaid; and any vote or appropriation requiring a larger assessment than that above specified shall be void, and said school committee shall have no authority to incur any liability or make any expenditure in excess of such appropriations, anything in any statute to the contrary notwithstanding. The city council of said city of Lynn shall, however, have authority to increase said appropriation for the financial year of nineteen hundred and ten by an amount not exceeding ten cents for each one thousand dollars of the said valuation, but the said city council shall not have authority either in the year nineteen hundred and ten, or thereafter, to increase said appropriation to an amount in excess of five dollars for each one thousand dollars of said valuation, except for permanent schoolhouse improvements. The said school

School committee of Lynn to make appropriations for the support of public schools, etc.

committee shall, in addition to the amounts aforesaid, have the power to expend such amounts as it may receive from tuition charges, the sale of text books and from other miscellaneous sources, and also any amounts received by the city of Lynn as insurance for the partial destruction of school buildings, or furnishings, or supplies, which last named amounts shall in all cases be expended for specific repairs or restoration of the property on account of which they are received.

Votes of school committee to have same effect as orders or votes of city council, etc.

SECTION 2. The school committee may from time to time transfer such amounts as it may deem necessary from one item to another. The votes of the school committee making appropriations or transferring money from one item to another shall have the same force and effect as orders or votes of the city council appropriating money, and shall be subject to the same provisions of law in respect to approval by the mayor, except that a vote of three fourths of all the members of the school committee, taken by yeas and nays, shall be necessary to pass any such appropriation over the veto of the mayor.

Amount appropriated to be certified to assessors, etc.

SECTION 3. The aggregate amount appropriated as hereinbefore provided shall be certified by the secretary of the school committee to the board of assessors, and shall be included by the assessors in the amount to be raised by taxation in the city for that year.

Unexpended balance to be added to amount appropriated for next ensuing year.

SECTION 4. Any balance of an appropriation so made by the school committee remaining unexpended at the close of any financial year, and not needed to carry out the requirements of any statute or special appropriation, shall be added to the amount which the committee may appropriate, as herein authorized, for the financial year next ensuing.

Repeal.

SECTION 5. Section fifty of chapter three hundred and sixty-seven of the acts of the year nineteen hundred, and so much of any other act as is inconsistent herewith are hereby repealed.

Act to be submitted to voters.

SECTION 6. This act shall be submitted to the voters of the city of Lynn at the annual state election held in November, nineteen hundred and nine, and the form of the question to be placed upon the ballot shall be as follows:— Shall chapter — of the acts of the year nineteen hundred and nine, being, “ An Act relative to the expenditures of the school committee of the city of Lynn ”, be

accepted? and if a majority of the voters voting thereon shall vote in the affirmative this act shall take effect.

SECTION 7. So much of this act as authorizes its submission to the voters of the said city shall take effect upon its passage, but it shall not take further effect until accepted by the voters of the city as herein provided.

When to take effect.

*Approved March 18, 1909.*

AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO INCUR INDEBTEDNESS, BEYOND THE LIMIT FIXED BY LAW, FOR SCHOOL PURPOSES.

*Chap. 179*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Fall River, for the purpose of purchasing land and constructing school buildings thereon, may incur indebtedness to an amount not exceeding two hundred and twenty-five thousand dollars, and may issue bonds, notes or scrip therefor, to be denominated on the face thereof, Fall River School Loan, Act of 1909. Such bonds, notes or scrip shall be signed by the treasurer of the city and countersigned by the mayor. They shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, shall bear interest at a rate not exceeding four per cent per annum, and shall not be reckoned in determining the statutory limit of indebtedness of the city. The city may sell such securities at public or private sale or pledge the same for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold or pledged for less than their par value.

Fall River School Loan, Act of 1909.

*Proviso.*

SECTION 2. The city at the time of authorizing said loan shall provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act, and when such provision has been made the amount required therefor shall without further vote annually be assessed by the assessors of the city, in the same manner in which other taxes are assessed, until the said debt is extinguished.

Payment of loan.

SECTION 3. This act shall take effect upon its passage.

*Approved March 18, 1909.*

*Chap.*180 AN ACT RELATIVE TO THE SUPPORT OF WIVES AND MINOR CHILDREN.

*Be it enacted, etc., as follows:*

1906, 501, § 1,  
amended.

Section one of chapter five hundred and one of the acts of the year nineteen hundred and six is hereby amended by striking out the words "Whoever unreasonably neglects to provide for the support of his wife or minor child or minor children, or who actually abandons his wife or minor child or minor children without adequate support, or leaves them in danger of becoming a burden upon the public", in the first to the fifth line, inclusive, and inserting in place thereof the words:— Any person who, being under a legal duty to provide for the support of his wife or of his or her minor child or children, unreasonably neglects to provide suitable support, or abandons or leaves them or any or either of them in danger of becoming a burden upon the public, or any parent, whether father or mother, whose minor child, by reason of the neglect, cruelty, drunkenness, habits of crime, or other vice of such parent, is growing up without education or without salutary control, or without proper physical care, or in circumstances exposing him to lead an idle and dissolute life,— so as to read as follows:— *Section 1.* Any person who, being under a legal duty to provide for the support of his wife or of his or her minor child or children, unreasonably neglects to provide suitable support, or abandons or leaves them or any or either of them in danger of becoming a burden upon the public, or any parent, whether father or mother, whose minor child, by reason of the neglect, cruelty, drunkenness, habits of crime, or other vice of such parent, is growing up without education or without salutary control, or without proper physical care, or in circumstances exposing him to lead an idle and dissolute life, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months. Proof of neglect to provide for the support of wife or minor child shall be prima facie proof that such neglect is unreasonable.

Penalty for  
neglect to pro-  
vide for sup-  
port of wife or  
minor child,  
etc.

*Approved March 18, 1909.*

AN ACT RELATIVE TO THE CARE OF NEGLECTED CHILDREN. *Chap.*181

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter three hundred and thirty-four of the acts of the year nineteen hundred and three is hereby amended by inserting after the word "crime", in the fifth line, the words:—cruelty, insanity,—by inserting after the word "control", in the sixth and seventh lines, the words:—or without proper physical care,—and by striking out all after and including the word "such", in the seventeenth line, and inserting in place thereof the words:—Such summons shall be issued to at least one of the parents of the child, if either of them is known to reside within the commonwealth, and, if after reasonable search no such parent can be found within the commonwealth, then to its lawful guardian, if there is one known to be so resident, and if not, then to the person with whom such child last resided, if known; if there be no father, mother, guardian, or person as aforesaid, to some suitable person to act in behalf of such child,—so as to read as follows:—*Section 1.* A police, district or municipal court or a trial justice, upon a complaint made by any person that any child under sixteen years of age within its or his jurisdiction, by reason of orphanage or of the neglect, crime, cruelty, insanity or drunkenness, or other vice of its parents, is growing up without education or without salutary control, or without proper physical care, or in circumstances exposing him to lead an idle and dissolute life, or is dependent upon public charity, may issue a precept to bring such child before said court or trial justice, and shall issue a notice to the state board of charity and shall also issue a summons requiring the board or person to whom such notice or summons is directed to appear before said court or trial justice at the time and place stated in the notice and summons, to show cause why such child should not be committed to the state board of charity, or be otherwise provided for. Such summons shall be issued to at least one of the parents of the child, if either of them is known to reside within the commonwealth, and, if after reasonable search no such parent can be found within the commonwealth, then to its lawful guardian, if there is

1903, 334, § 1,  
amended.

Certain  
children may  
be taken in  
custody, etc.



one known to be so resident, and if not, then to the person with whom such child last resided, if known; if there be no father, mother, guardian, or person as aforesaid, to some suitable person to act in behalf of such child.

SECTION 2. This act shall take effect upon its passage.

*Approved March 18, 1909.*

**Chap.182** AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES.

*Be it enacted, etc., as follows:*

Brockton  
Sewerage  
Loan, 1909.

SECTION 1. The city of Brockton, for the purposes specified in chapter two hundred and forty-seven of the acts of the year eighteen hundred and ninety-two, may incur indebtedness outside its statutory debt limit, to an amount not exceeding one hundred thousand dollars, and may from time to time issue bonds, notes or scrip therefor, to be denominated on the face thereof, Brockton Sewerage Loan, 1909, to be signed by the mayor and city treasurer, and to bear such rate of interest, not exceeding four per cent per annum, as the city council may determine. The city shall provide for the payment of such indebtedness by such annual proportionate payments as will extinguish the debt at maturity. The sinking fund of any loan of the city may be invested therein.

R. L. 27 to  
apply.

SECTION 2. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws and all acts in amendment thereof and in addition thereto shall, so far as they may be applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

SECTION 3. This act shall take effect upon its passage.

*Approved March 18, 1909.*

**Chap.183** AN ACT RELATIVE TO SUITS IN EQUITY.

*Be it enacted, etc., as follows:*

R. L. 159, § 8,  
amended.

SECTION 1. Section eight of chapter one hundred and fifty-nine of the Revised Laws is hereby amended by striking out the words "or may be commenced by a declaration in an action of contract or tort", in the fourth and fifth lines, and by adding thereto the words:—When a suit in equity is commenced by an original writ as provided in this section, such writ, with the bill or petition

attached thereto, may at any time after service thereof, before the return day, be entered in the court to which it is returnable, and thereupon the court may make such orders as to attachment, arrest, and injunction or for discharging from arrest or for dissolving an attachment or injunction, or such other orders as the court would have had power to make if the suit had been commenced by bill or petition, — so as to read as follows: — *Section 8.* Suits in equity may be commenced by bill or petition, with a writ of subpoena according to the usual course of proceedings in equity, or by an original writ of summons or of summons and attachment or by the trustee process, as the case may be, with or without an order for the attachment of the property or arrest of the defendant, and shall be returnable on the return days prescribed by section twenty-four of chapter one hundred and sixty-seven or on the rule days established by the court. When a suit in equity is commenced by an original writ as provided in this section, such writ, with the bill or petition attached thereto, may at any time after service thereof, before the return day, be entered in the court to which it is returnable, and thereupon the court may make such orders as to attachment, arrest, and injunction or for discharging from arrest or for dissolving an attachment or injunction, or such other orders as the court would have had power to make if the suit had been commenced by bill or petition.

Commence-  
ment of suits  
in equity.

SECTION 2. This act shall take effect upon its passage.

*Approved March 18, 1909.*

AN ACT TO PROVIDE FOR THE SAFE KEEPING OF MATCHES  
IN STORES.

*Chap. 184*

*Be it enacted, etc., as follows:*

SECTION 1. It shall be unlawful for any person to keep matches for sale or for use in any store unless the same are kept in a metal or other fireproof receptacle, the cover of which shall be closed except when it is necessary to obtain access to its contents; but this act shall not apply to unbroken cases of matches.

Safe keeping  
of matches.

SECTION 2. Each violation of this act shall be punished by a fine of not more than fifty dollars.

Penalty.

*Approved March 18, 1909.*

**Chap.185** AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF  
CERTAIN SERIAL BONDS.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, to provide for the payment of certain serial bonds during the present year, to wit:—

Suffolk county court house serial bonds.

For the payment of the Suffolk county court house serial bonds, due March first, nineteen hundred and nine, four thousand dollars.

State highway serial bonds.

For the payment of the state highway serial bonds, due April first, nineteen hundred and nine, forty-eight thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 18, 1909.*

**Chap.186** AN ACT RELATIVE TO THE FEE FOR APPROVAL OF APPEAL  
BONDS IN CIVIL ACTIONS.

*Be it enacted, etc., as follows:*

R. L. 204, § 2, amended.

Section two of chapter two hundred and four of the Revised Laws is hereby amended by striking out the words:—“For approving an appeal bond, including principal and surety, twenty cents”, in the eleventh and twelfth lines.

*Approved March 18, 1909.*

**Chap.187** AN ACT TO ENCOURAGE THE GROWTH OF WHITE PINE  
TIMBER.

*Be it enacted, etc., as follows:*

Certain land to be exempt from taxation.

SECTION 1. Land which does not exceed in value ten dollars an acre, if well stocked with thrifty white pine seedlings that have attained an average height of not less than fifteen inches, upon satisfactory proof of its condition by the owner to the assessors, shall be exempt from taxation for a period of ten years thereafter: *provided*, that if any trees of commercial value, except such as are reasonably removed for the improvement of the white

Proviso.

pine growth, are cut or removed from the said land, the exemption herein provided for shall cease.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

*Approved March 18, 1909.*

AN ACT RELATIVE TO POLICE PENSIONS IN CITIES.

*Chap. 188*

*Be it enacted, etc., as follows:*

Section twenty-nine of chapter one hundred and eight of the Revised Laws, as amended by section one of chapter four hundred and twenty-eight of the acts of the year nineteen hundred and three, is hereby further amended by inserting after the word "continuously", in the fifteenth line, the words:— if, in the judgment of said board, such member is disabled for useful service in the department,— so as to read as follows:— *Section 29.* The mayor and aldermen, or the board of police of any city where such boards are established, except Boston, which, by vote of its city council accepts the provisions of this act, shall, at his own request, or at the request of the chief or superintendent of police, if, in the judgment of said board, he is disabled for useful service in said department, retire from active service and place upon a pension roll any member of the police department of such city whom the city physician of such city certifies in writing to be permanently disabled, mentally or physically, by injuries sustained through no fault of his in the actual performance of duty, from further performing duty as such member, or any member of said department who has performed faithful service therein for not less than twenty years continuously, if, in the judgment of said board, such member is disabled for useful service in the department, and every member so retired shall annually receive as a pension one half the amount of compensation received by him at the time of his retirement, such amount to be paid by the city, which shall appropriate money therefor.

R. L. 108, § 29.  
etc., amended.

Police  
pensions in  
cities.

*Approved March 18, 1909.*

**Chap. 189** AN ACT RELATIVE TO FEES TO BE PAID TO THE CHIEF OF THE DISTRICT POLICE UPON APPLICATIONS FOR APPROVAL OF ENTERTAINMENTS PROPOSED TO BE GIVEN ON THE LORD'S DAY.

*Be it enacted, etc., as follows:*

Entertain-  
ments pro-  
posed to be  
given on the  
Lord's day.

Every application to the chief of the district police, under the provisions of section one of chapter ninety-eight of the Revised Laws, as amended by section one of chapter four hundred and sixty of the acts of the year nineteen hundred and four and by section one of chapter three hundred and eighty-five of the acts of the year nineteen hundred and eight, for his approval of an entertainment proposed to be given on the Lord's day, shall be accompanied by a fee of one dollar.

*Approved March 18, 1909.*

**Chap. 190** AN ACT RELATIVE TO THE DISSOLUTION OF REAL ESTATE ATTACHMENTS WHERE THE RECORD TITLE OF THE PROPERTY ATTACHED IS IN THE NAME OF A PERSON OTHER THAN THE DEFENDANT.

*Be it enacted, etc., as follows:*

R. L. 167,  
§ 110,  
amended.

SECTION 1. Section one hundred and ten of chapter one hundred and sixty-seven of the Revised Laws is hereby amended by inserting after the word "defendant", in the second line, the words:—or person whose property has been attached,—and by inserting after the word "plaintiff", in the fifth line, the words:—or, if the plaintiff is a non-resident, to his attorney,—so as to read as follows:—*Section 110.* If an excessive or unreasonable attachment is made on mesne process, the defendant or person whose property has been attached, may apply in writing, in any county, to a justice of the court to which such process is returnable, for a reduction of the amount of the attachment or for its discharge; and such justice shall order a notice to the plaintiff, or, if the plaintiff is a non-resident, to his attorney, which shall be returnable before himself or any other justice of the same court as speedily as circumstances permit. If, upon a summary hearing of the parties, it is found that the at-

Reduction,  
etc., of real  
estate at-  
tachments.



tachment is excessive or unreasonable, the justice shall reduce or dissolve the attachment or order a part of the goods or estate to be released.

SECTION 2. This act shall take effect upon its passage.

*Approved March 18, 1909.*

AN ACT RELATIVE TO THE SALE OF BREAD.

*Chap.191*

*Be it enacted, etc., as follows:*

SECTION 1. Section four of chapter fifty-seven of the Revised Laws is hereby amended by striking out the words "and in each front window thereof", in the second line, so as to read as follows:—*Section 4.* In each shop or place where bread is sold by retail a legibly printed price list of the different kinds and qualities of loaves sold there, with the price thereof by the loaf and by the half, three quarter and quarter loaf, shall be conspicuously placed.

R. L. 57, § 4,  
amended.

Price list to  
be displayed  
where bread  
is sold.

SECTION 2. This act shall take effect upon its passage.

*Approved March 18, 1909.*

AN ACT TO AUTHORIZE CERTAIN INSURANCE COMPANIES  
TO DO FIRE AND MARINE BUSINESS.

*Chap.192*

*Be it enacted, etc., as follows:*

SECTION 1. Any domestic insurance company now or hereafter authorized to transact the business specified in either the first or second clauses of section thirty-two of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven is hereby authorized to transact the kinds of business specified in both of said clauses: *provided*, that the capital stock of such company is not less than four hundred thousand dollars.

Business to be  
done by certain  
insurance  
companies.

Proviso.

SECTION 2. Any foreign insurance company now or hereafter authorized to transact the business specified in either the first or second clauses of section thirty-two of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven may be authorized to transact the kinds of business specified in both of said clauses: *provided*, that the capital stock of such company is not less than four hundred thousand dollars; and *provided*,

Same subject.

Provisos.

further, that in the case of a foreign company it is authorized by its charter to transact both of said classes of insurance.

SECTION 3. This act shall take effect upon its passage.

*Approved March 18, 1909.*

**Chap.193** AN ACT TO PROVIDE FOR CERTAIN SITTINGS OF THE SUPERIOR COURT IN THE CITY OF HAVERHILL.

*Be it enacted, etc., as follows:*

R. L. 157, § 27,  
amended.

Adjournment  
of certain  
sittings of the  
superior court.

SECTION 1. Section twenty-seven of chapter one hundred and fifty-seven of the Revised Laws is hereby amended by inserting after the word "Brockton", in the fourth line, the following:— and for the hearing of jury waived cases may adjourn any established sitting in and for the county of Essex from Salem, Lawrence or Newburyport to Haverhill, — so as to read as follows:— *Section 27.* The court may adjourn any established sitting in and for the county of Bristol from Taunton or New Bedford to Fall River, or in and for the county of Plymouth from Plymouth to Brockton, and for the hearing of jury waived cases may adjourn any established sitting in and for the county of Essex from Salem, Lawrence or Newburyport to Haverhill, in the manner and with the effect of an adjournment to another shire town; and such adjournment shall be subject to all the provisions of law relative to adjournments to another shire town.

SECTION 2. This act shall take effect upon its passage.

*Approved March 18, 1909.*

**Chap.194** AN ACT TO PROHIBIT THE TAKING OF HERRING IN LYNN HARBOR OR ITS VICINITY BY MEANS OF TORCHES OR OTHER LIGHT.

*Be it enacted, etc., as follows:*

Taking of fish  
in Lynn harbor  
or its vicinity  
by means of  
torches, etc.,  
prohibited.

SECTION 1. No person shall display torches or other light designed or used for the purpose of taking herring or other fish in Lynn harbor and its vicinity, from a line drawn from Bass Point in the town of Nahant to Ocean Pier in the town of Revere, or in Saugus river or Pines river, so-called, or in any tributary thereof.

Penalty.

SECTION 2. Whoever violates the provisions of this act shall be punished for a first offence by a fine of not less

than fifty nor more than two hundred dollars or by imprisonment for not less than six nor more than twelve months, or by both such fine and imprisonment, and for a second offence by both such fine and imprisonment.

*Approved March 19, 1909.*

AN ACT TO INCORPORATE THE RAY CEMETERY ASSOCIATION.

*Chap. 195*

*Be it enacted, etc., as follows:*

SECTION 1. Lydia P. Ray Peirce, Arthur W. Peirce, Margaret L. Ray, James F. Ray, Edith H. Ray, Annie R. Thayer, Adelbert D. Thayer, Joseph G. Ray, Harriet P. Ray, Charles A. R. Ray and William F. Ray, their associates and successors, are hereby made a corporation by the name of the Ray Cemetery Association, for the purpose of acquiring, maintaining, improving and enlarging for a place of burial of the dead certain land set apart and known as the Ray Cemetery, situated in the town of Franklin. The said corporation shall have all the powers and privileges and shall be subject to all the restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

Ray Cemetery Association incorporated.

SECTION 2. The said corporation is hereby authorized to acquire possession and control of said cemetery, and may purchase from time to time and may acquire by gift, bequest, devise or otherwise, and may hold, so much real and personal property as may be necessary or appropriate for the purposes of said association: *provided*, that nothing herein contained shall affect the individual rights of proprietors in said cemetery.

May hold, etc., real and personal property, etc.

Proviso.

SECTION 3. Only persons who now are or who hereafter become proprietors of lots in the land included in said cemetery, or which may hereafter be included therein, whether by deed or otherwise, and who shall sign the by-laws of said corporation, shall be members of the corporation; and whenever any person shall cease to be the proprietor of a lot, or of an interest in a lot, in said cemetery, he shall cease to be a member of the corporation.

Membership.

SECTION 4. The net proceeds of the sale of lots in the lands of the corporation and all income received from any other source by said corporation, the use of which is not determined by a trust, shall be applied exclusively

Proceeds of sales to be applied to improvements, etc.

to the care, maintenance, improvement or embellishment of its cemetery and the structures therein, or to the purchase of additional land for cemetery purposes, and to the payment of current and incidental expenses of the cemetery, and to no other purpose.

Grants, bequests, etc.

SECTION 5. Said corporation is authorized to take and hold any grant, gift or bequest of property in trust or otherwise, for the care, protection, embellishment, improvement or extension of its cemetery, or for the care, embellishment, protection or improvement of any lot therein, or for the care, repair, preservation or removal of any monument, tomb, fence or other structure therein, or for planting a lot or its vicinity with trees or shrubs; and when such gift or bequest is made in trust, the said corporation may give to the person making the same or to his representative an obligation binding the corporation to fulfill the terms of the trust.

Officers, powers and duties, etc.

SECTION 6. Said corporation may by its by-laws provide for such officers as may be necessary, and may define their powers and duties, and may also provide for the care and management of the cemetery and for the sale of lots therein, and for the management of any other matters incident to the purposes of the corporation.

SECTION 7. This act shall take effect upon its passage.  
*Approved March 19, 1909.*

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**Chap. 196** AN ACT TO PROHIBIT THE UNLAWFUL USE, SALE OR OTHER DISPOSITION OF REGISTERED VESSELS DESIGNED TO CONTAIN BEVERAGES.

*Be it enacted, etc., as follows:*

R. L. 72, § 16,  
amended.

Section sixteen of chapter seventy-two of the Revised Laws is hereby amended by striking out the words "sells, buys, gives, takes or otherwise disposes of or traffics in the same, without the written consent of or unless the same has been purchased from the person whose name is in or upon the vessel so filled, defaced, trafficked in or otherwise used or disposed of", in the sixth, seventh, eighth, ninth and tenth lines, and inserting in place thereof the words:—whoever sells, buys, traffics in, converts to his own use, mutilates, destroys or otherwise disposes of any such vessel without the written consent of or unless the same has been purchased from the person whose name is in or upon such vessel, — so as to read as

follows:— *Section 16.* Whoever fills with a beverage, with intent to sell the same, any vessel, marked or distinguished as aforesaid, the description of which has been filed and published as provided in the preceding section, or defaces, erases, covers up or otherwise removes or conceals any such name, or the word “registered” thereon, or whoever sells, buys, traffics in, converts to his own use, mutilates, destroys or otherwise disposes of any such vessel without the written consent of or unless the same has been purchased from the person whose name is in or upon such vessel shall, for the first offence, be punished by a fine of not less than fifty cents for each such vessel or by imprisonment for not less than ten days nor more than one year, or by both such fine and imprisonment; and for each subsequent offence, by a fine of not less than one dollar nor more than five dollars for each such vessel or by imprisonment for not less than twenty days nor more than one year. *Approved March 19, 1909.*

Penalty for unlawful use, etc., of registered vessels.

AN ACT TO ESTABLISH THE SITTINGS OF THE SUPERIOR COURT FOR CRIMINAL BUSINESS FOR THE COUNTY OF MIDDLESEX.

*Chap. 197*

*Be it enacted, etc., as follows:*

SECTION 1. The paragraph of section twenty-four of chapter one hundred and fifty-seven of the Revised Laws relative to sittings of the superior court for the county of Middlesex, being lines thirty-one to thirty-five, both inclusive, as amended by section one of chapter ninety-seven of the acts of the year nineteen hundred and three, is hereby further amended by inserting before the word “June”, in the fifth line of said paragraph, the word:— January,— and by striking out the word “December”, in the same line, and inserting in place thereof the word:— November,— so as to read as follows:— For the county of Middlesex, for civil business, at Lowell, on the first Mondays of April and October, and at Cambridge, on the first Monday of January; for criminal business, at Cambridge, on the first Mondays of January, June and November in each year, and at Lowell, on the first Monday of March and on the Tuesday after the first Monday of September in each year.

R. L. 157, § 24, etc., amended.

Sittings of the superior court in the county of Middlesex.

SECTION 2. This act shall take effect upon its passage.

*Approved March 19, 1909.\**



*Chap.198* AN ACT RELATIVE TO THE CONSTRUCTION OF SPECIFIC DEVISES OF REAL ESTATE AND TO THE SALE OF SUCH REAL ESTATE BY EXECUTORS AND ADMINISTRATORS.

*Be it enacted, etc., as follows:*

Specific devise of real estate construed, etc.

SECTION 1. A specific devise of real estate subject to a mortgage given by the testator, unless the contrary shall plainly appear by his will, shall be deemed to be the devise of the interest only which the testator had at the time of his decease in such real estate over and above such mortgage, and if the note or obligation of the testator secured by such mortgage be paid out of his other property after his decease, the executor of his will or the administrator with the will annexed of his estate shall, at the request of any person interested and by leave of the probate court, sell such real estate specifically devised for the purpose of satisfying the estate of the testator for the amount so paid, together with the costs and expenses of such sale.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

When to take effect.

SECTION 3. This act shall take effect on the first day of January in the year nineteen hundred and ten, but it shall apply only to wills made after that date.

*Approved March 19, 1909.*

*Chap.199* AN ACT TO PROHIBIT THE SALE OF AIR GUNS TO CERTAIN MINORS.

*Be it enacted, etc., as follows:*

R. L. 102, § 92, amended.

Section ninety-two of chapter one hundred and two of the Revised Laws is hereby amended by inserting after the word "firearms", in the second line, the words:— air guns, — so as to read as follows:— *Section 92.* Whoever sells or furnishes to a minor under the age of fifteen years any firearms, air guns or other dangerous weapon shall be punished by a fine of not less than ten nor more than fifty dollars for each offence; but instructors and teachers may furnish military weapons to pupils for instruction and drill.

Penalty for sale, etc., of firearms, etc., to minors.

*Approved March 19, 1909.*

AN ACT TO AUTHORIZE THE TOWN OF MARBLEHEAD TO  
CONVEY CERTAIN PROPERTY TO HANNAH GRAVES. *Chap.200*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Marblehead is hereby authorized to grant, sell and convey to Hannah Graves, by deed duly executed in its name and behalf by its board of park commissioners, all the lands, rights in land and all property of every kind, situated and lying below the high water line of her premises in the said town adjoining Seaside park therein, which the said board took from her for a public park, in the year nineteen hundred and five. The execution and delivery of said deed shall be a full and final settlement of the petition of said Hannah Graves for damages against said town by reason of said taking, now pending in the superior court for the county of Essex.

Town of Marblehead may convey certain property to Hannah Graves.

SECTION 2. This act shall be submitted to the voters of the town of Marblehead at the annual town meeting in the year nineteen hundred and ten, or at a special town meeting held prior thereto, and shall take effect upon its acceptance by a majority of the voters voting thereon.

When to take effect.

*Approved March 19, 1909.*

AN ACT RELATIVE TO THE INSPECTION OF CONTRACTS  
MADE BY CITIES. *Chap.201*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter three hundred and forty-three of the acts of the year nineteen hundred and seven is hereby amended by adding at the end thereof the words: — All allowances under and additions to such contracts, or copies thereof, shall be filed with the city clerk, together with a sworn statement of the officer making such allowances or additions that the same are correct and in accordance with the contract, — so as to read as follows: — *Section 1.* It shall be the duty of any city officer who makes or executes a contract on behalf of the city to furnish the said contract or a copy thereof to the city clerk within one week after its execution; and it shall be the duty of the city clerk to keep the said contract or copy on file where it may be inspected by any person during business hours. Such contracts or copies

1907, 343, § 1, amended.

Contracts made by cities to be open to public inspection, etc.

shall be kept in a book by themselves or in several books, arranged according to the subject of the contract, or in other convenient form, and an index to the subject-matter of the contracts and to the names of the contractors shall be made semi-annually, and shall also be open to public inspection in some convenient form. All allowances under and additions to such contracts, or copies thereof, shall be filed with the city clerk, together with a sworn statement of the officer making such allowances or additions that the same are correct and in accordance with the contract.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 19, 1909.*

*Chap.*202 AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO  
MAKE AN ADDITIONAL WATER LOAN.

*Be it enacted, etc., as follows:*

New Bedford  
Water Loan,  
Act of 1909.

SECTION 1. The city of New Bedford, for the purpose of paying for the construction of a duplicate supply main connecting the High Hill reservoir, so-called, with the New Bedford water works distributing system, and for reinforcing certain portions of the existing distributing system, may issue from time to time bonds, notes or scrip to an amount not exceeding two hundred and fifty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said city for water works purposes; but the same shall not be reckoned in determining the statutory limit of indebtedness of the city. Such bonds, notes or scrip shall bear on their face the words, New Bedford Water Loan, Act of 1909; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent per annum; and shall be signed by the treasurer of the city and countersigned by the mayor. Said city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof; and *provided, further*, that no part of the proceeds of the sale of said bonds, notes or scrip shall be used in payment of running expenses.

Proviso.

SECTION 2. Said city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of any such bonds, notes or scrip as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said city, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of said city in each year thereafter in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished.

Payment of loan.

SECTION 3. This act shall take effect upon its acceptance by the city council of said city.

When to take effect.

*Approved March 22, 1909.*

AN ACT TO AUTHORIZE THE REMOVAL OF REMAINS FROM A DISUSED GRAVEYARD IN THE TOWN OF REVERE.

*Chap.203*

*Be it enacted, etc., as follows:*

SECTION 1. The selectmen of the town of Revere are hereby authorized, at the expense of the town, to remove the human remains in certain private tombs in a graveyard in the rear of the lot occupied by the Unitarian church in said town, and to cause the same to be carefully and properly buried in some suitable cemetery. The graves so filled shall be suitably marked with the names of the persons buried, if they are known.

Removal of remains from a disused graveyard in the town of Revere.

SECTION 2. This act shall take effect upon its passage.

*Approved March 22, 1909.*

AN ACT RELATIVE TO PROCEDURE IN CLAIMS AGAINST THE COMMONWEALTH.

*Chap.204*

*Be it enacted, etc., as follows:*

SECTION 1. Section two of chapter two hundred and one of the Revised Laws, as amended by section two of chapter three hundred and seventy of the acts of the

R. L. 201, § 2, etc., amended.

Proceedings  
in cases of  
certain claims  
against the  
common-  
wealth.

Where action  
may be  
brought.

To apply to  
all pending  
petitions.

year nineteen hundred and five and by section one of chapter two hundred and eighty-eight of the acts of the year nineteen hundred and eight, is hereby further amended by striking out the said section and inserting in place thereof the following:—*Section 2.* The provisions of law relative to tender, offer of judgment, set-off and recoupment shall apply to the said petition, and the case shall be tried by the court without a jury, and if the amount claimed is more than one thousand dollars, upon motion by the attorney-general or the petitioner, by three justices of said court. All hearings shall be in open court, except that upon motion by the attorney-general or the petitioner an auditor or master may be appointed, and questions of law may be taken to the supreme judicial court, as in other cases. If the amount claimed is more than two thousand dollars the action or petition shall be brought in the county of Suffolk; but if the amount claimed is two thousand dollars or less the action or petition may be brought in the county of Suffolk or in the county in which the plaintiff or petitioner resides. If the action or petition is to recover damages for injuries sustained while travelling on a state highway, it may be brought in the county of Suffolk or in the county in which the plaintiff or petitioner resides, or in the county in which the injuries were sustained.

SECTION 2. The provisions of the preceding section shall apply to all petitions against the commonwealth now pending in the superior court.

SECTION 3. This act shall take effect upon its passage.

*Approved March 22, 1909.*

## Chap. 205 AN ACT TO AUTHORIZE SUBORDINATE TRIBES OF THE IMPROVED ORDER OF RED MEN TO HOLD AND CONVEY PROPERTY.

*Be it enacted, etc., as follows:*

Subordinate  
tribes of the  
Improved  
Order of Red  
Men may hold  
and convey  
property, etc.

SECTION 1. Any subordinate tribe of the Improved Order of Red Men, duly chartered by and under the jurisdiction of the "Great Council of Massachusetts Improved Order of Red Men", a corporation incorporated under the laws of the commonwealth, may take, hold and convey real and personal estate in the name of such subordinate tribe, as a voluntary association, under such rules and



regulations as may be prescribed therefor by the said great council.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 22, 1909.*

AN ACT RELATIVE TO THE TIME WITHIN WHICH ANSWERS TO INTERROGATORIES MUST BE FILED. Chap.206

*Be it enacted, etc., as follows:*

SECTION 1. Section fifty-nine of chapter one hundred and seventy-three of the Revised Laws is hereby amended by inserting after the word "office", in the second line, the words:— or in the office of a justice who has no clerk, or with a trial justice,— and by striking out all of said section after the word "before", in the sixth line, and inserting in place thereof the words:— the municipal court of the city of Boston shall be filed within such time as said court or any justice thereof shall order,— so as to read as follows:— *Section 59.* Interrogatories shall be answered, and the answers shall be filed in the clerk's office, or in the office of a justice who has no clerk, or with a trial justice, within ten days after notice of the filing thereof has been given to the party interrogated or to his attorney, unless, upon cause shown either before or after the expiration of said ten days, further time is allowed by the court. Answers to interrogatories filed before the municipal court of the city of Boston shall be filed within such time as said court or any justice thereof shall order.

R. L. 173, § 59,  
amended.

Answers to in-  
terrogatories.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.  
*Approved March 22, 1909.*

AN ACT RELATIVE TO THE INDEBTEDNESS OF THE TOWN OF WATERTOWN INCURRED IN WIDENING GALEN STREET AND CONSTRUCTING A BRIDGE OVER THE CHARLES RIVER. Chap.207

*Be it enacted, etc., as follows:*

SECTION 1. Debts heretofore or hereafter incurred by the town of Watertown under authority of chapter three hundred and thirty-one of the acts of the year nineteen hundred and seven shall be excluded in ascertaining the amount of the indebtedness of the town for the purposes

Certain in-  
debtedness of  
the town of  
Watertown  
not to be in-  
cluded within  
the debt limit.

of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 22, 1909.*

**Chap. 208** AN ACT RELATIVE TO THE DUTIES OF THE STATE BOARD OF CHARITY.

*Be it enacted, etc., as follows:*

R. L. 84, § 4,  
amended.

SECTION 1. Section four of chapter eighty-four of the Revised Laws is hereby amended by striking out all after the words "in this commonwealth", in the sixth line, and inserting in place thereof the words: — It shall also prepare a form for the returns to be made by overseers of the poor under sections forty and forty-one of chapter eighty-one, as amended by chapter one hundred and fifteen of the acts of the year nineteen hundred and five, and mail one of said forms to the clerk of the overseers of the poor of each city or town on or before the first day of April of each year, and from said returns made by the overseers of the poor it shall prepare tables of paupers supported by towns, and shall print in its annual report the most important information thus obtained, — so as to read as follows: — *Section 4.* The board shall ascertain whether any paupers in state institutions under its supervision or that of the state board of insanity have settlements in this commonwealth, and shall cause the laws relative to the support by cities and towns of sane state paupers to be enforced, and shall prosecute all cases of bastardy if the mother has no settlement in this commonwealth. It shall also prepare a form for the returns to be made by overseers of the poor under sections forty and forty-one of chapter eighty-one, as amended by chapter one hundred and fifteen of the acts of the year nineteen hundred and five, and mail one of said forms to the clerk of the overseers of the poor of each city or town on or before the first day of April of each year, and from said returns made by the overseers of the poor it shall prepare tables of paupers supported by towns, and shall print in its annual report the most important information thus obtained.

Duties of state  
board of char-  
ity relative to  
certain pau-  
pers.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 24, 1909.*

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO ABOLISH  
CERTAIN PROPOSED STREETS AND PASSAGEWAYS IN THE  
BACK BAY FENS IN THAT CITY. Chap.209

*Be it enacted, etc., as follows:*

SECTION 1. The street commissioners of the city of Boston, with the approval of the mayor, may, within eight months after the passage of this act, abolish the two streets originally proposed to be built connecting Lansdowne street with an unnamed street next north from Boylston street, and may also abolish any or all passageways originally planned lying wholly on property of "The Dana Lands", all as shown on a plan of the territory between the Back Bay Fens, Brookline avenue, and the Boston and Albany railroad, made by Pierre Humbert, junior, and filed in the office of the city surveyor or city engineer of the city of Boston; and the plan as so changed shall have the same effect as it had before the change was made.

Certain proposed streets, etc., in the city of Boston to be abolished.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 24, 1909.*

AN ACT TO AUTHORIZE THE TOWN OF MONSON TO APPROPRIATE MONEY TOWARD THE COST OF CONSTRUCTING A  
BRIDGE ACROSS THE QUABOAG RIVER IN THE TOWN OF  
PALMER. Chap.210

*Be it enacted, etc., as follows:*

SECTION 1. The town of Monson is hereby authorized to raise and appropriate a sum not exceeding twenty-five hundred dollars and to pay the same to the Massachusetts highway commission as a contribution toward the construction of a bridge across the Quaboag river in the town of Palmer, to be erected by said Massachusetts highway commission in substitution of the present "Hastings" or "Merrick" bridge, so-called, which has been built and jointly maintained by said towns of Monson and Palmer.

The town of Monson may appropriate money toward the construction of a bridge across the Quaboag river.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 24, 1909.*

**Chap.211** AN ACT RELATIVE TO THE APPROVAL OF PLANS OF COMPENSATION FOR INJURED EMPLOYEES.

*Be it enacted, etc., as follows:*

1908, 489,  
amended.

Plans of compensation for injured employees may be submitted to the state board of conciliation and arbitration, etc.

SECTION 1. Chapter four hundred and eighty-nine of the acts of the year nineteen hundred and eight is hereby amended by inserting after section five the following section:—*Section 6.* The employees of any employer of labor, numbering at least ten per cent of those regularly employed during the preceding year, may submit to the state board of conciliation and arbitration a plan of compensation such as is described in section one of this act. Such plan shall be referred to the employer, and in case no agreement between the employer and employees is reached within thirty days and reported to said board, then after examination of the said plan of compensation, and a public hearing thereon after public notice thereof, the board of conciliation and arbitration may, if it considers the same fair and just to the employer and employees, recommend to the employer the adoption of the same. Upon notice of acceptance of the plan duly filed by the employer the plan shall be deemed to be in force precisely as if it had been submitted and approved under the provisions of the preceding sections of this act.

SECTION 2. This act shall take effect upon its passage.

*Approved March 24, 1909.*

**Chap.212** AN ACT TO AUTHORIZE THE STATE BOARD OF AGRICULTURE TO COLLECT AND CIRCULATE INFORMATION RELATING TO IDLE OR PARTLY IMPROVED FARMS AND FARM LANDS.

*Be it enacted, etc., as follows:*

The state board of agriculture to collect, etc., certain information.

SECTION 1. The state board of agriculture is hereby authorized to collect all necessary information in regard to the opportunities for developing the agricultural resources of the commonwealth through the reoccupancy of idle or partly improved farms and farm lands, and to cause the facts so obtained and a statement of the advantages offered, to be circulated where and in such manner as the said board may consider for the best interest of the commonwealth.

Expenditures.

SECTION 2. For the purpose aforesaid a sum not exceeding one thousand dollars may be expended, and the

bills therefor approved by the persons authorized by said state board to investigate the matter, shall be sent to the auditor of the commonwealth, who shall certify them in the same manner in which other claims against the commonwealth are certified.

SECTION 3. This act shall take effect upon its passage.

*Approved March 25, 1909.*

AN ACT TO AUTHORIZE THE APPOINTMENT OF REGISTERS  
OF DEEDS PRO TEMPORE.

*Chap. 213*

*Be it enacted, etc., as follows:*

SECTION 1. Whenever in any county a register of deeds who has no assistant is unable, or if he has an assistant or assistants he and such assistant or assistants are unable, by reason of sickness or otherwise to perform the duties of their respective offices, the county commissioners for the county electing such register or, in the county of Suffolk, the superior court, may appoint a register of deeds pro tempore who shall perform the duties of register until the said elected register or his assistants or any of them is able to resume the duties of his office, or until the election and qualification of a new register. A register of deeds pro tempore shall be sworn and shall give a bond according to the requirements of law for registers of deeds, and notice of his appointment shall be recorded in the registry of deeds in which he is to act. A register of deeds pro tempore shall have the same duties and powers as are provided for by law in the case of registers of deeds, and shall receive such compensation for his services as said county commissioners and the superior court, respectively, may deem reasonable.

Registers of  
deeds, pro  
tempore,  
appointment,  
etc.

SECTION 2. This act shall take effect upon its passage.

*Approved March 25, 1909.*

AN ACT RELATIVE TO THE PURCHASE BY THE STATE FOR-  
ESTER OF LAND ADAPTED TO FOREST PRODUCTION.

*Chap. 214*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter four hundred and seventy-eight of the acts of the year nineteen hundred and eight is hereby amended by striking out the words "forty acres", in the tenth line, and inserting in place thereof the words: — eighty acres, — so as to read as follows: —

1908, 478, § 1,  
amended.



Land may be purchased for purpose of reforestation, etc.

*Section 1.* For the purpose of experiment and illustration in forest management and for the purposes specified in section seven of this act the sum of five thousand dollars may be expended in the year nineteen hundred and eight, and the sum of ten thousand dollars annually thereafter, by the state forester, with the advice and consent of the governor and council, in purchasing lands situated within the commonwealth and adapted to forest production. The price of such land shall not exceed in any instance five dollars per acre, nor shall more than eighty acres be acquired in any one tract in any one year, except that a greater area may so be acquired if the land purchased directly affects a source or tributary of water supply in any city or town of the commonwealth. All lands acquired under the provisions of this act shall be conveyed to the commonwealth, and no lands shall be paid for nor shall any moneys be expended in improvements thereon until all instruments of conveyance and the title to be transferred thereby have been approved by the attorney-general and until such instruments have been executed and recorded.

SECTION 2. This act shall take effect upon its passage.

*Approved March 25, 1909.*

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**Chap. 215** AN ACT TO INCORPORATE THE PINE GROVE CEMETERY ASSOCIATION OF WESTBOROUGH.

*Be it enacted, etc., as follows:*

The Pine Grove Cemetery Association of Westborough incorporated.

SECTION 1. Charles S. Henry, William T. Forbes, Edwin B. Harvey, Emory L. Wood, Melvin H. Walker, John W. Fairbanks, Alden L. Boynton and Lyman Belknap, their associates and successors, are hereby made a corporation by the name of the Pine Grove Cemetery Association of Westborough, for the purpose of acquiring, controlling and improving certain land set apart and known as Pine Grove Cemetery, situated within one enclosure in the town of Westborough, and said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities contained in all general laws now or hereafter in force relating to such corporations, except as is otherwise provided herein.

SECTION 2. Said corporation is hereby authorized to take possession and assume legal control of said cemetery,

Powers and duties, etc.

and said town is hereby authorized to convey to said corporation, upon such terms as may be agreed upon, all the right, title and interest which it has in the said land, and in all other estate, property, rights and things appertaining to the said cemetery, which the said town now has or is entitled to have, and in and to all moneys standing to the credit of said cemetery, and all trust funds relating to said cemetery: *provided*, that a majority of the legal voters of said town present and voting thereon shall vote so to do at a meeting duly called for that purpose. Said corporation shall hold the said property and rights for the same uses and purposes and charged with the same duties and liabilities for and subject to which the same are now held by the town of Westborough; and all rights which any persons have acquired in said cemetery shall remain valid to the same extent as if this act had not been passed.

Proviso.

SECTION 3. Any person who is now or may hereafter become a proprietor of a lot, by deed or otherwise, in the land mentioned in section one of this act, or in land hereafter acquired by said corporation, may become a member of said corporation by applying to the officers of the corporation and receiving a deed or certificate of such lot from said corporation; and when any person shall cease to be a proprietor of a lot in the lands of the corporation he shall cease to be a member thereof.

Membership.

SECTION 4. Said corporation may acquire by gift, devise or purchase, and hold in fee, additional land to the extent of twenty acres, for the purpose of enlarging said cemetery from time to time, and may hold so much personal property as may be necessary for objects connected with or appropriate to the purposes of the corporation, and the corporation is hereby authorized to take and hold any grant, gift or bequest of property upon trust, to apply the same or the income thereof for the improvement or embellishment of said cemetery, or for the construction, repair, preservation or renewal of any monument, fence or other erection, or for planting and cultivating trees, shrubs or plants in or around any lot, or for improving said premises in any other manner consistent with the purposes for which said cemetery is established, according to the terms of such grant, gift or bequest; and whenever any such grant, gift or bequest, or any deposit of money,

Grants, bequests, etc.

shall be made by the proprietor of any lot in said cemetery for the annual repair, preservation or embellishment of such lot and the erections thereon, the said corporation may give to such proprietor or his representatives an obligation binding the corporation to fulfil the terms of the trust.

Officers, etc.

SECTION 5. Said corporation may by its by-laws provide for such officers as may be necessary, and may also provide for the care and management of the cemetery and for the sale and conveyance of lots therein, and for the care and management of any funds which it may hold for the benefit of said cemetery, and for any other matters incident to the proper management of the corporation.

SECTION 6. This act shall take effect upon its passage.

*Approved March 26, 1909.*

**Chap. 216** AN ACT TO AUTHORIZE THE APPOINTMENT OF A PROBATION OFFICER FOR WAYWARD AND DELINQUENT CHILDREN IN THE MUNICIPAL COURT OF THE ROXBURY DISTRICT OF THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

1908, 637, § 1.  
amended.

Appointment  
by certain  
courts of  
probation  
officers for  
children.

SECTION 1. Section one of chapter six hundred and thirty-seven of the acts of the year nineteen hundred and eight is hereby amended by inserting after the word "thereof", in the fifth line, the words:—and of the municipal court of the Roxbury district of the city of Boston,—so as to read as follows:—*Section 1.* The justice of each police, district and municipal court included in classes B, C, D, E and F, as said classes are defined by chapter four hundred and fifty-three of the acts of the year nineteen hundred and four and acts in amendment thereof, and of the municipal court of the Roxbury district of the city of Boston, if not now authorized to appoint a probation officer for wayward and delinquent children, may appoint such officer, who shall hold office during the pleasure of the court which makes the appointment and shall receive from the county such salary as the court, with the approval of the county commissioners, shall fix. The justice of each police, district and municipal court not included in the said classes, excepting the municipal court of the city of Boston and the central district court of Worcester, may appoint such an officer

who shall serve without compensation. Salaried probation officers appointed as herein provided shall have, and, by direction of the court, unpaid officers may have, in cases of such children and of juvenile offenders, the power and authority of probation officers. But no such officer shall be appointed until the commission on probation, established by chapter four hundred and sixty-five of the acts of the present year, shall certify that his appointment is necessary.

SECTION 2. This act shall take effect upon its passage.

*Approved March 26, 1909.*

AN ACT TO AUTHORIZE THE CLERK OF THE POLICE COURT  
OF NEWTON TO EMPLOY CLERICAL ASSISTANCE. Chap.217

*Be it enacted, etc., as follows:*

SECTION 1. The clerk of the police court of Newton may annually expend a sum not exceeding six hundred dollars for clerical assistance in his office, which shall be paid by the county treasurer upon the certificate of the justice that the work was actually performed and was necessary.

Clerical assistance to the clerk of the police court of Newton.

SECTION 2. This act shall take effect upon its passage.

*Approved March 26, 1909.*

AN ACT TO AUTHORIZE ADVANCES OF MONEY TO STATE  
INSTITUTIONS HAVING BONDED TREASURERS OR DISBURS-  
ING OFFICERS. Chap.218

*Be it enacted, etc., as follows:*

SECTION 1. To carry out the provisions of law requiring weekly payments, and to secure cash discounts wherever possible, institutions having a bonded treasurer or disbursing officer may receive such advances of money from the treasury of the commonwealth as in the judgment of the auditor of the commonwealth are required for the purposes stated.

Advances of money to be made to certain state institutions.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

*Approved March 26, 1909.*

**Chap.219** AN ACT TO PROVIDE A THIRD SPECIAL JUSTICE OF THE  
CENTRAL DISTRICT COURT OF WORCESTER.

*Be it enacted, etc., as follows:*

R. L. 160, § 6,  
amended.

Composition  
of courts of  
record, etc.

Central dis-  
trict court of  
Worcester.

SECTION 1. Section six of chapter one hundred and sixty of the Revised Laws is hereby amended by inserting after the word "Boston", in the second line, the words:—and the central district court of Worcester,—so as to read as follows:—*Section 6.* Police, district and municipal courts shall be courts of record, and, except the municipal court of the city of Boston and the central district court of Worcester, shall consist of one justice and two special justices. Each of said courts shall have a seal, which shall be in the custody of its clerk, or of the justice if it has no clerk, and which shall be affixed to all processes issued by said courts which require a seal.

SECTION 2. The central district court of Worcester shall consist of one justice and three special justices.

SECTION 3. This act shall take effect upon its passage.

*Approved March 26, 1909.*

**Chap.220** AN ACT TO AUTHORIZE THE CITY OF FITCHBURG TO PAY  
A CERTAIN SUM OF MONEY TO THE HEIRS OF IMOGENE  
A. CARPENTER.

*Be it enacted, etc., as follows:*

The city of  
Fitchburg may  
pay a sum of  
money to the  
heirs of  
Imogene A.  
Carpenter.

SECTION 1. The city of Fitchburg is hereby authorized to repay to the heirs of Imogene A. Carpenter all moneys, not exceeding one hundred and twenty-five dollars and twenty-one cents, paid by them to the said city by mistake during the years nineteen hundred to nineteen hundred and seven, inclusive, for taxes upon real estate in the said city.

SECTION 2. This act shall take effect upon its passage.

*Approved March 26, 1909.*

**Chap.221** AN ACT TO AUTHORIZE THE POLICE COMMISSIONER OF THE  
CITY OF BOSTON TO REVOKE OR TO SUSPEND LICENSES  
ISSUED BY HIM.

*Be it enacted, etc., as follows:*

1906, 291, § 10,  
amended.

Section ten of chapter two hundred and ninety-one of the acts of the year nineteen hundred and six is hereby



amended by adding at the end thereof the words:—He shall have all the powers of the board of police in regard to revoking licenses issued by him, and in addition may, in his discretion, for any cause deemed satisfactory to him and without a hearing, suspend and make inoperative for such period as he may deem proper any license issued by him,—so as to read as follows:—*Section 10.* The police commissioner shall have authority to appoint, establish and organize the police of said city and to make all needful rules and regulations for its efficiency. He shall from time to time appoint a trial board, to be composed of three captains of police, to hear the evidence in such complaints against members of the force as the commissioner may deem advisable to refer to said board. Said trial board shall report its findings to said commissioner who may review the same and take such action thereon as he may deem advisable. Except as otherwise provided herein all the powers and duties now conferred or imposed by law upon the board of police of the city of Boston, are hereby conferred and imposed upon said police commissioner. All licenses issued by said police commissioner shall be signed by him and recorded in his office. He shall have all the powers of the board of police in regard to revoking licenses issued by him, and in addition may, in his discretion, for any cause deemed satisfactory to him and without a hearing, suspend and make inoperative for such period as he may deem proper any license issued by him.

Police commissioner to organize the police, etc.

Powers and duties.

Revocation of licenses.

*Approved March 26, 1909.*

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AN ACT TO AUTHORIZE THE CITY OF WALTHAM TO MAKE  
AN ADDITIONAL WATER LOAN.

*Chap. 222*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Waltham, for the purposes mentioned in chapter three hundred and thirty-seven of the acts of the year eighteen hundred and seventy-two, entitled "An Act to supply the town of Waltham with water", may issue from time to time bonds, notes or scrip to an amount not exceeding one hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by said city for water works purposes; but the same shall not be reckoned in determining the

Waltham  
Water Loan.  
Act of 1909.

statutory limit of indebtedness of the city. Such bonds, notes or scrip shall bear on their face the words, Waltham Water Loan, Act of 1909; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent per annum; and shall be signed by the treasurer of the city and countersigned by the mayor. Said city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof; and *provided, further*, that no part of the proceeds of the sale of said bonds, notes or scrip shall be used in payment of running expenses.

Provisos.

Payment of loan.

SECTION 2. Said city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of any of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said city, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of said city in each year thereafter in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished.

When to take effect.

SECTION 3. This act shall take effect upon its acceptance by the city council of said city.

*Approved March 26, 1909.*

## **Chap.223** AN ACT RELATIVE TO THE FARM AND TRADES SCHOOL.

*Be it enacted, etc., as follows:*

The Farm and Trades School may hold real and personal property, etc.

The Farm and Trades School, formerly the Boston Asylum and Farm School for Indigent Boys, may take and hold exempt from taxation real estate to an amount not exceeding seven hundred and fifty thousand dollars in

value and personal property to an amount not exceeding five hundred thousand dollars in value, including the property exempt from taxation under the general law.

*Approved March 26, 1909.*

AN ACT TO ENLARGE THE POWERS OF THE SCHOOL COMMITTEE OF THE CITY OF WALTHAM IN RESPECT TO PHYSICAL EDUCATION.

*Chap. 224*

*Be it enacted, etc., as follows:*

SECTION 1. The school committee of the city of Waltham may, during the summer vacation and such other parts of the year as it may deem proper, organize and conduct physical training and exercises, athletic sports, games and play, and may provide proper apparatus, equipment and facilities for the same in the buildings, yards and playgrounds under the control of said committee, or upon any other land which it may have the right to use, and may employ instructors to have charge of the same.

Powers of the school committee of the city of Waltham.

SECTION 2. The park commission of the said city may transfer to the school committee for the purposes aforesaid such of the playgrounds, gymnasias or buildings or parts thereof under its control as may be designated by the school committee.

Playgrounds, control, etc.

SECTION 3. The school committee may cause any of the grounds under its control, as aforesaid or otherwise, to be enclosed and reserved for the recreation and physical education of the minors of said city, and shall have the right to make reasonable regulations concerning their use.

Playgrounds to be enclosed, etc.

SECTION 4. Appropriations for the above named purposes shall be made in the same manner in which appropriations are made for the support of the public schools.

Manner of making appropriations.

*Approved March 26, 1909.*

AN ACT RELATIVE TO INTERROGATORIES IN CIVIL ACTIONS.

*Chap. 225*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter one hundred and seventy-three of the Revised Laws is hereby amended by striking out section fifty-seven and inserting in place thereof the following: — *Section 57.* Either party after entry of the action and before the opening of the trial on the merits may file in the clerk's office or in the office of a justice who

R. L. 173, § 57, amended.

Interrogatories in civil actions.

has no clerk or with a trial justice, interrogatories to the adverse party for the discovery of any facts and documents admissible in evidence at the trial of the action, except as hereinafter provided.

SECTION 2. This act shall take effect upon its passage.

*Approved March 27, 1909.*

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**Chap. 226** AN ACT TO AUTHORIZE THE CITY OF WALTHAM TO TAKE  
ADDITIONAL SOURCES OF WATER SUPPLY.

*Be it enacted, etc., as follows:*

City of  
Waltham may  
take an addi-  
tional water  
supply.

SECTION 1. The city of Waltham is hereby authorized to take, hold and convey into and through said city from lands near the Charles river, at any convenient point upon the same within the limits of said city, water for the use of the city and the inhabitants thereof, not exceeding two million gallons daily, in addition to the three million gallons daily which, by chapter three hundred and thirty-seven of the acts of the year eighteen hundred and seventy-two and chapter three hundred and nine of the acts of the year eighteen hundred and eighty-four and chapter two hundred and fifty-three of the acts of the year eighteen hundred and ninety-one, it is now authorized to take from the Charles river, making the whole quantity which the city is authorized to take five million gallons daily. The two million gallons daily aforesaid are to be taken from the water-bearing strata contained within the said lands, and are to be drawn therefrom through artesian, driven or dug wells, or water galleries now installed or to be installed, or in such other manner as may be approved by the state board of health; and the location of all reservoirs, wells, filters or other works for taking, holding or purifying said water shall be subject to the approval of said board.

Amount of  
water to be  
taken daily,  
etc.

SECTION 2. Whenever the said city shall desire to take water as herein provided it shall, by vote of the board of aldermen, determine what portion, daily, of the said two million gallons it will take; and it shall thereupon be lawful for said city to take only the daily amount so determined, in addition to the amount taken under the provisions of said chapters three hundred and thirty-seven and two hundred and fifty-three and by vote of said town. Whenever said city shall desire to take a further

daily portion of said two million gallons it shall determine the same by vote of its board of aldermen in the manner aforesaid.

SECTION 3. The city of Waltham shall be liable for all damages to property that may be sustained by any person by the taking of water under authority hereof; and the provisions of said chapters three hundred and thirty-seven, three hundred and nine, and two hundred and fifty-three, shall apply to the said additional two million gallons daily so far as the amount of water flowing in the Charles river is diminished thereby.

Liability for damages.

SECTION 4. This act shall take effect upon its passage.

*Approved March 27, 1909.*

AN ACT RELATIVE TO GOODS STORED WITH PUBLIC WAREHOUSEMEN AND OTHER DEPOSITARIES.

*Chap. 227*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter one hundred and seventy-three of the Revised Laws is hereby amended by striking out section thirty-eight and inserting in place thereof the following new section:—*Section 38.* Whenever two or more persons claim any interest in property, or the proceeds or value of, or damages for the taking, detention or conversion of any property which is or has theretofore been deposited with any public warehouseman, or other depositary for hire, such bailee may, either in any action against him for the recovery of said property, or for such proceeds, value, or damages, or as an original suit brought in the police, district or municipal court or before the trial justice within whose judicial district such property is situated or was last held by such bailee, file a petition stating the names and residences of all known claimants, after such notice as the court may order upon said petition to all such claimants, and within such time after the return of such order of notice as the court shall allow, such claimant or claimants shall file in said court a statement in writing of their several claims, and if no such claim is so filed the claimant or claimants may be defaulted. The court shall hear and determine the rights and interests of the respective parties in and to such property, proceeds, value or damages, and shall enter judgment accordingly, and upon such final judgment may order such

R. L. 173, § 38, amended.

Proceedings in cases of detention or conversion of property by a public warehouseman, etc.

Court to determine rights of parties.



Custody of  
goods, etc.

return or delivery of the property, and may award such execution or executions for damages or costs or both for or against the respective parties to such proceeding as justice may require. Failure to comply with any such order for the return or delivery of such property may be dealt with as the court may direct. The goods may remain in the custody of the bailee until the final judgment, and shall then be delivered in accordance with the order of the court. If the petition herein provided for be filed in an action of replevin, any order for the return of the property replevied, or any part thereof, may be for the return of such property to such party to said proceedings as may be adjudged to be entitled to the possession thereof; and if the order be not complied with, the bond in such case may, by leave of said court, be put in suit, in the name of the obligee therein, but for the benefit of the party or parties entitled to said property, and in such suit the court may award judgment and execution in accordance with the respective interests of the parties thereto.

SECTION 2. This act shall take effect upon its passage.

*Approved March 27, 1909.*

**Chap.228** AN ACT TO AUTHORIZE THE COUNTY OF SUFFOLK TO PAY  
A SUM OF MONEY TO GEORGE BURGESS MAGRATH.

*Be it enacted, etc., as follows:*

County of  
Suffolk may  
pay a sum of  
money to  
George  
Burgess  
Magrath.

The auditor of the county of Suffolk is hereby authorized, upon the presentation of proper vouchers, and upon the approval of the mayor of the city of Boston, to allow for payment to George Burgess Magrath, medical examiner for Suffolk county, a sum not exceeding one thousand dollars, the said sum having been paid by him for expenses necessarily incurred in the discharge of his official duties.

*Approved March 27, 1909.*

**Chap.229** AN ACT RELATIVE TO THE DISPLAY OF THE UNITED STATES  
FLAG ON SCHOOL HOUSES.

*Be it enacted, etc., as follows:*

R. L. 42, § 50,  
amended.

SECTION 1. Section fifty of chapter forty-two of the Revised Laws is hereby amended by striking out the word "may", in the fifth line, and inserting in place

thereof the word:—shall,—so as to read as follows:—

*Section 50.* The school committee of every city and town shall provide for each schoolhouse in which public schools are maintained and which is not otherwise supplied, a United States flag of silk or bunting not less than four feet in length, and suitable apparatus whereby such flag shall be displayed on the schoolhouse building or grounds every school day when the weather permits and on the inside of the schoolhouse on other school days.

United States flags to be displayed on schoolhouses, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved March 27, 1909.*

AN ACT RELATIVE TO CLERK HIRE AND INCIDENTAL EXPENSES OF THE REPORTER OF DECISIONS OF THE SUPREME JUDICIAL COURT.

*Chap.230*

*Be it enacted, etc., as follows:*

SECTION 1. Section sixty-seven of chapter one hundred and sixty-five of the Revised Laws, as amended by section two of chapter three hundred and fifty-eight of the acts of the year nineteen hundred and eight, is hereby further amended by striking out the said section and inserting in place thereof the following:—*Section 67.* The reporter shall receive from the commonwealth an annual salary of four thousand dollars, and shall be allowed not more than five thousand dollars a year for clerk hire and for incidental expenses of his office, which shall be paid by the commonwealth. These amounts shall be in full compensation for his services and for clerk hire and incidental expenses. All fees received by him for copies of opinions, rescripts and other papers shall be paid by him quarterly to the treasurer and receiver general, with a detailed statement thereof.

R. L. 165, § 67, amended.

Compensation of reporter of decisions.

SECTION 2. This act shall take effect upon its passage.

*Approved March 27, 1909.*

AN ACT TO ESTABLISH A BOARD OF SURVEY FOR THE CITY OF WALTHAM.

*Chap.231*

*Be it enacted, etc., as follows:*

SECTION 1. The mayor of the city of Waltham shall appoint, subject to confirmation by the board of aldermen, three persons, citizens of said city, to constitute a

Board of survey for the city of Waltham, appointment, terms, etc.

board of survey for the city, to serve, one for the term of one year, one for the term of two years and one for the term of three years from the first day of March in the year nineteen hundred and nine, and until their respective successors are appointed and confirmed; and thereafter the mayor shall appoint annually, in the month of January, subject to confirmation by the board of aldermen, one citizen of said city, to serve as a member of said board for the term of three years from the first day of March in that year, and until his successor is appointed and confirmed. Any vacancy occurring in said board shall be filled by an appointment as aforesaid for the remainder of the unexpired term. The city engineer of the city shall act as clerk of the board.

Vacancy.

Plans of streets or ways to be submitted to board, etc.

SECTION 2. Any person or corporation desiring to lay out, locate or construct any street or way in the city of Waltham shall, before beginning such construction, submit to said board of survey suitable plans and profiles of such street or way, so prepared as to show also the method of drainage of the contiguous territory, all in accordance with such rules and regulations as the board may prescribe. Upon the receipt of such plans, with a petition for their approval, the board shall give a public hearing thereon after giving notice of such hearing by publication once a week for two successive weeks in a newspaper published in the city, the last publication to be at least two days before the hearing; and after such hearing the board may alter such plans and may determine where such streets or ways shall be located and the width and grades thereof, and shall so designate on said plans. The plans shall then be approved and signed by the members of the board and by the mayor, whose refusal to sign shall be a veto, and filed in the office of the city engineer, who shall attest thereon the date of filing.

Public hearing to be given, etc.

Plans to be made showing location of streets or ways, etc.

SECTION 3. The board of survey may from time to time cause to be made by the city engineer under its direction plans of such territory or sections of land in said city as the board may deem necessary, showing thereon the location of such streets or ways, whether already laid out or not, as said board shall be of opinion the interest of the public requires or will require in such territory, showing clearly the directions, widths and grades of each street or way, and may incur such expenses as it may deem neces-

sary therefor, not exceeding the amount of money appropriated by the city for the purpose. Before making any such plans the board shall give a public hearing as to the locations, directions, widths, grades and plan for drainage of streets or ways in the territory to be shown on the plan, after advertising such hearing once a week for two successive weeks in a newspaper published in said city, the last advertisement to be at least two days before such hearing, and shall, after making any such plan, give a like notice of hearing and a hearing thereon, and keep the plan open to public inspection for one month after the first advertisement of such hearing. After such hearing, and after the alterations deemed necessary by said board have been made in the plan, the plan shall be approved, signed, marked, filed and attested as provided in respect to the plans mentioned in section two of this act.

Public hearing  
to be given,  
etc.

SECTION 4. The board of survey may from time to time make a new plan or plans to take the place of any plans that may be filed in accordance with the provisions of sections two and three of this act, or may make changes on any plan or plans so filed: *provided, however*, that any action involving new plans or changes in plans already duly attested and filed shall be made only after due notice and hearing, and otherwise in the manner specified in section two; and the last plan so made, or the plan with the changes last made thereon and duly attested and filed, shall be the official plan governing future development.

New plans to  
be filed, etc.

Proviso.

SECTION 5. The powers of the board of aldermen of the city in regard to highways shall not be abridged by this act in any manner, except as provided in this section, and the powers conferred by this act shall be in addition to the powers now possessed by them. After the passage of this act no street or way in said city, shown on any plan filed as aforesaid, shall be laid out, located anew, altered or widened, and no such street or way, whether already or hereafter laid out, shall be constructed by any public authority except in accordance with the provisions of this act. If any person or corporation shall hereafter open for public travel any private way, the location, direction, width and grades of which have not previously been approved in writing by the board of survey in the manner provided for in this act, then neither the city nor any other public authority shall place any public sewer, drain,

Certain  
powers of  
board of al-  
dermen not  
abridged, etc.

Construction,  
etc., of streets  
or ways, etc.

water pipe or light in, or do any public work of any kind on, such private way so opened to public travel contrary to the provisions of this act: *provided, however,* that these provisions shall not prevent the laying of a trunk sewer, drain, water or gas main, if it be required by engineering necessities.

**SECTION 6.** The city of Waltham may from time to time appropriate sums of money to be expended by the board of survey for carrying out the provisions of this act; but no expenditures shall be made in excess of such appropriation.

**SECTION 7.** Said board of survey, its officers and agents, may, so far as they deem it necessary in carrying out the provisions of this act, enter upon any lands and there make such examinations and surveys and place and maintain such monuments and marks as they may deem necessary; and any person whose property is injured by such entry or by such placing or maintaining, who fails to agree with the city as to the amount of his damages, may have them assessed and determined in the manner provided by law in the case of land taken for the laying out of highways in said city, on application at any time within one year after such entry or after such placing and maintaining.

**SECTION 8.** This act shall not be construed to authorize any taking or condemnation of land, or to render the city of Waltham liable for damages of any kind except for making entries upon land and for placing and maintaining monuments and marks as authorized by section seven, nor to authorize said city to lay out or construct any way located on any of said plans, until such way has been laid out as a highway under other provisions of law.

**SECTION 9.** This act shall take effect upon its passage.

*Approved March 29, 1909.*

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**Chap. 232** AN ACT TO ESTABLISH THE SALARY OF WILLIAM C. DILLINGHAM, AN ASSISTANT CLERK OF COURTS FOR THE COUNTY OF MIDDLESEX.

*Be it enacted, etc., as follows:*

Salary of assistant clerk of courts for Middlesex county established.

**SECTION 1.** The salary of William C. Dillingham, the assistant clerk of courts for the county of Middlesex in charge of the daily lists and assignments of cases for trial



in said county, shall be thirty-five hundred dollars a year from the first day of January in the year nineteen hundred and nine.

SECTION 2. This act shall take effect upon its passage.

*Approved March 30, 1909.*

AN ACT FURTHER TO PROHIBIT UNAUTHORIZED PERSONS FROM RIDING UPON A RAILROAD OR UPON THE PROPERTY OF THE BOSTON TERMINAL COMPANY.

*Chap. 233*

*Be it enacted, etc., as follows:*

SECTION 1. Section two hundred and thirty-four of chapter four hundred and sixty-three, Part II, of the acts of the year nineteen hundred and six, prohibiting unauthorized persons from riding upon a railroad or upon the property of the Boston Terminal Company, is hereby amended by striking out the words "after being requested to leave the same by an employee of the railroad or of said Boston Terminal Company, or by a police officer", in the fifth, sixth and seventh lines, so as to read as follows:— *Section 234.* Whoever, without right, rides or attempts to ride upon a locomotive engine, tender, freight car, caboose, or other conveyance not a part of a passenger train, upon a railroad or upon the property of the Boston Terminal Company, shall be punished by a fine of not more than fifty dollars or imprisonment for not more than six months. A sheriff, deputy sheriff, constable, police officer, railroad police officer, or officer appointed with the powers of a railroad police officer, upon view of such an offence, may, without warrant, arrest the offender and make complaint against him therefor.

1906, 463,  
§ 234, Part II.,  
amended.

Penalty for  
unlawful  
riding upon  
locomotive,  
etc.

SECTION 2. This act shall not apply to employees while in the discharge of their duties.

Not to apply to  
employees.

*Approved March 31, 1909.*

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE MASSACHUSETTS NAUTICAL TRAINING SCHOOL.

*Chap. 234*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes

Appropriations, Massachusetts nautical training school.

specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

Current  
expenses.

For the current expenses of the Massachusetts nautical training school, a sum not exceeding fifty-eight thousand dollars.

Expenses of  
commissioners,  
etc.

For the necessary expenses of the commissioners of the said school, including the salary of the secretary, clerical services, printing, stationery, contingent expenses and the printing and binding of the annual report of the commissioners, a sum not exceeding five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved March 31, 1909.*

**Chap.235** AN ACT RELATIVE TO APPLICATIONS FOR BAIL TO MASTERS  
IN CHANCERY.

*Be it enacted, etc., as follows:*

Admission to  
bail by  
masters in  
chancery  
regulated.

After a person is committed to jail to await the action of the grand jury he shall not be admitted to bail by a master in chancery who does not reside or have a usual place of business within the county in which the jail is situated, except upon proof that written notice of the proposed application has duly been served upon the district attorney, or one of the assistant district attorneys, for the district, at least twenty-four hours before a hearing on the application, specifying the name of the person, the crime with which he is charged, the time and place of hearing, and the name, occupation and residence of the proposed sureties, or upon proof that the district attorney, or one of the assistant district attorneys, for the district has waived notice of the hearing on such proposed application.

*Approved March 31, 1909.*

**Chap.236** AN ACT TO PROVIDE FOR EXPEDITING THE FINAL DETER-  
MINATION OF CAUSES.

*Be it enacted, etc., as follows:*

Judgment to  
be entered  
for defendant,  
in certain  
cases.

SECTION 1. When, in the trial of a civil action, the presiding justice is requested to rule that upon all the evidence the plaintiff cannot recover, and such request is refused, and exception by the defendant to such refusal is duly taken, and a finding or verdict returned for the plaintiff, then if the defendant's said exception is sus-

tained in the supreme judicial court, and exceptions if any taken in said trial by the plaintiff are all overruled, the supreme judicial court may, by rescript, direct the entry in the trial court of judgment for the defendant, and thereupon judgment shall so be entered.

SECTION 2. When, in the trial of a civil action the presiding justice is requested by the plaintiff to rule that upon all the evidence a finding or verdict should be returned for the plaintiff, and such request is refused, and an exception to such refusal is duly taken, and a finding or verdict is returned for the defendant, then if the plaintiff's said exception is sustained in the supreme judicial court, and the exceptions, if any, taken in said trial by the defendant are all overruled, the supreme judicial court may, by rescript, direct the entry in the trial court of judgment for the plaintiff, and thereupon judgment shall so be entered.

Judgment to be entered for plaintiff, in certain cases.

SECTION 3. Nothing in this act shall be construed as affecting or limiting the power of the trial court to set aside a verdict and order a new trial for any cause for which a new trial may by law be granted.

Certain powers of the court not affected.

*Approved March 31, 1909.*

AN ACT RELATIVE TO THE DISSOLUTION OF LIENS ON BUILDINGS AND LAND.

*Chap. 237*

*Be it enacted, etc., as follows:*

SECTION 1. Section twenty-eight of chapter one hundred and ninety-seven of the Revised Laws, as amended by chapter two hundred and twenty-three of the acts of the year nineteen hundred and six, is hereby further amended by inserting after the word "fixed", in the fourteenth line, the words:— at the option of the party offering the bond at the amount claimed in the statement filed by the party claiming the lien and an additional amount not less than fifty per cent of the amount claimed, or two hundred dollars, whichever is the larger addition, and if the amount of the bond is not so fixed then it shall be fixed, — so as to read as follows:— *Section 28.* A person who has an interest in property upon which the lien has been claimed may at any time before final judgment dissolve the lien upon his interest in the whole or any part of the property by giving bond to the party claiming the

R. L. 197, § 28, etc., amended.

Dissolution of lien, etc.

Dissolution of  
lien, etc.

lien, with sureties who shall be approved in writing by him or his attorney, by a justice of a police, district or municipal court or by a master in chancery, conditioned to pay to such person within thirty days after final judgment an amount fixed as the value of said interest or so much thereof as may be necessary to satisfy the amount for which said interest may be found to be subject to such lien. If the parties do not agree as to the value of said interest, it may be fixed at the option of the party offering the bond at the amount claimed in the statement filed by the party claiming the lien and an additional amount not less than fifty per cent of the amount claimed, or two hundred dollars, whichever is the larger addition, and if the amount of the bond is not so fixed then it shall be fixed in accordance with the provisions of sections one hundred and twenty-one and one hundred and twenty-two of chapter one hundred and sixty-seven. Before such bond is approved, the party wishing to dissolve the lien or a person in his behalf shall make application in writing to the magistrate, specifying therein the names and residences of the proposed sureties, and, except in case the proposed surety is a surety company qualified to do business in this commonwealth, therein setting forth the property with which each of said sureties proposes to qualify, and in case said property, as so set forth, be realty, then giving the date of acquiring the same, the location, assessed value, and incumbrances thereon, if any. Notice of the time and place of the hearing, containing a copy of the application to the magistrate, shall be given to the plaintiff or his attorney as provided in sections twenty-seven to thirty, inclusive, of chapter one hundred and seventy-five, but the plaintiff or his attorney may in writing waive such notice or may approve the bond at any time. The bond shall contain a description of the property or interest to be released and the obligor shall, within ten days after its approval, cause it to be recorded in the registry of deeds for the county or district in which the property lies. The lien shall not be dissolved until the bond has been so recorded, after which the bond may be taken by the obligee from the registry.

SECTION 2. This act shall take effect upon its passage.

*Approved March 31, 1909.*

AN ACT TO AUTHORIZE THE SHIRLEY VILLAGE WATER DISTRICT TO MAKE AN ADDITIONAL WATER LOAN. *Chap.238*

*Be it enacted, etc., as follows:*

SECTION 1. The Shirley Village Water District, for the purposes mentioned in chapter one hundred and nineteen of the acts of the year nineteen hundred and three, may issue from time to time bonds, notes or scrip to an amount not exceeding fifteen thousand dollars in addition to the amount heretofore authorized to be issued by said district for water works purposes. Such bonds, notes or scrip shall bear on their face the words, Shirley Village Water District Loan, Act of 1909; shall be payable at the expiration of periods not exceeding thirty years from the date or dates of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent per annum; and shall be signed by the treasurer of the district and countersigned by the water commissioners. Said district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that no bond, note or scrip shall be sold for less than the par value thereof.

Shirley Village  
Water District  
Loan, Act of  
1909.

Proviso.

SECTION 2. Said district shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, a sum which, with the income derived from water rates and payments for hydrant service, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of the town annually thereafter in the manner provided by section nine of said chapter one hundred and nineteen, until the debt incurred by said loan is extinguished.

Payment of  
loan.

SECTION 3. The town of Shirley may by a two thirds vote of the legal voters present and voting at a legal meeting called for the purpose guarantee the payment of the

Town may  
guarantee pay-  
ment of bonds,  
etc.



bonds, notes or scrip issued under authority of this act, provided such meeting is held within one year after its passage.

SECTION 4. This act shall take effect upon its passage.

*Approved March 31, 1909.*

**Chap.239** AN ACT TO ESTABLISH FIRE DISTRICT NUMBER TWO IN THE TOWN OF SOUTH HADLEY.

*Be it enacted, etc., as follows:*

Fire District  
Number Two  
in the Town of  
South Hadley  
established.  
Boundary  
lines of  
district.

SECTION 1. The inhabitants of South Hadley liable to taxation in that town and residing within the territory enclosed by the following boundary lines, to wit: — Beginning at the intersection of Bachelor's brook by the boundary line between South Hadley and Granby; and thence running westerly along the course of said Bachelor's brook to the Connecticut river; thence southerly along the easterly bank of the Connecticut river to the mouth of Stony brook; thence southerly and easterly along the course of said Stony brook to a small stream known as Leaping Well brook; thence easterly along said Leaping Well brook to the culvert at the junction of College, Newton and Brainerd streets; thence running easterly to a point in Mosher street in front of the Mosher house, so-called; thence easterly along said Mosher street to a culvert crossing said street, which culvert is northeast of Calvin Preston's house; thence easterly from said culvert to a stone monument on the Granby line at the point where said line is crossed by Morgan street; thence northerly along said Granby line to the point of beginning, shall constitute a fire district, and are hereby made a body corporate, by the name of Fire District Number Two in the Town of South Hadley; and said corporation shall have the powers and privileges and shall be subject to the duties and liabilities set forth in all general laws now or hereafter in force relating to fire districts.

May supply  
itself with  
water, etc.

SECTION 2. The said district may supply itself with water for the extinguishment of fires and for domestic and other purposes, may establish fountains and hydrants and may relocate and discontinue the same; may regulate the use of such water, and may fix and collect rates to be paid therefor, and may take, or acquire by lease, purchase, or

otherwise, and may hold property, lands, rights of way and easements, for the purposes mentioned in this act, and may prosecute and defend any or all actions relating to the property and affairs of the district: *provided, however,* that no source of water supply and no lands necessary for preserving the quality of such water shall be acquired without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board. Proviso.

SECTION 3. The first meeting of said district shall, within three months after the passage of this act, be called on petition of ten or more legal voters therein, by a warrant from the selectmen of the town of South Hadley, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of said warrant in two or more public places in said district, seven days at least before the time of the meeting. One of the petitioners shall preside at the meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. The meeting then may proceed to act upon the other articles contained in the warrant. First meeting.

SECTION 4. This act shall take effect upon its passage.  
*Approved March 31, 1909.*

AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO MAKE  
AN ADDITIONAL WATER LOAN. Chap.240

*Be it enacted, etc., as follows:*

SECTION 1. The city of Taunton, for the purposes mentioned in chapter two hundred and seventeen of the acts of the year eighteen hundred and seventy-five and acts in addition thereto, may issue from time to time bonds, notes or scrip to an amount not exceeding one hundred thousand dollars in addition to the amounts heretofore authorized to be issued by said city for water works purposes; and the same shall not be reckoned in determining the statutory limit of indebtedness of the city. Such bonds, notes or scrip shall bear on their face the words, Taunton Water Loan, Act of 1909; shall be payable at Taunton  
Water Loan,  
Act of 1909.

the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent per annum; and shall be signed by the treasurer of the city and countersigned by the mayor. The city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold for less than the par value thereof; and *provided, further*, that no part of the proceeds of the sale of said bonds, notes or scrip shall be used in payment of running expenses.

Provisos.

Payment of loan.

SECTION 2. Said city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of any of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of the city in each year thereafter, in the same manner in which other taxes are assessed, under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished.

When to take effect.

SECTION 3. This act shall take effect upon its acceptance by the city council of said city.

*Approved March 31, 1909.*

*Chap.241* AN ACT RELATIVE TO THE TENURE OF OFFICE OF THE CHIEF OF THE FIRE DEPARTMENT OF THE CITY OF NORTH ADAMS.

*Be it enacted, etc., as follows:*

Term of office.

SECTION 1. The term of office of the chief of the fire department of the city of North Adams shall be three years.

SECTION 2. So much of chapter one hundred and forty-eight of the acts of the year eighteen hundred and ninety-five and of any amendment thereof as is inconsistent herewith is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.  
*Approved March 31, 1909.*

AN ACT RELATIVE TO APPLICATIONS FOR LIFE INSURANCE Chap.242  
AND TO THE ATTACHMENT THEREOF TO INSURANCE  
POLICIES.

*Be it enacted, etc., as follows:*

SECTION 1. Section seventy-three of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven is hereby amended by striking out the words "Every policy shall have attached thereto a correct copy of the application, and unless so attached the same shall not be considered a part of the policy or received in evidence", in the forty-third, forty-fourth, forty-fifth and forty-sixth lines of the first paragraph, and inserting in place thereof the following:— Unless a correct copy of the application is attached to the policy the application shall not be considered a part of the policy or received in evidence for any purpose. Every policy which contains a reference to the application, either as a part of the policy or as having any bearing thereon, shall have attached thereto a correct copy of the application. 1907, 576,  
§ 73, amended.

Copy of application to be attached to certain policies.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 31, 1909.*

AN ACT RELATIVE TO PAYMENTS IN LIEU OF TAXES ON Chap.243  
PROPERTY HELD BY THE COMMONWEALTH FOR WATER  
SUPPLY PURPOSES.

*Be it enacted, etc., as follows:*

SECTION 1. All general laws relating to annual payments in lieu of taxes on property held by a city or town in another city or town for water supply purposes shall, so far as they are applicable, apply to the metropolitan water supply and to the lands held by the commonwealth and used by the metropolitan water and sewerage board for such supply in cities and towns other than the towns Certain provisions of law to apply to the metropolitan water supply, etc.

of Ashland, Boylston, Holden, Hopkinton, Sterling and West Boylston.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 31, 1909.*

**Chap. 244** AN ACT RELATIVE TO THE APPOINTMENT OF CERTAIN  
POLICE OFFICERS AND CONSTABLES OF THE CITY OF  
SPRINGFIELD AND TO THE ELECTION OF A CITY COL-  
LECTOR OF SAID CITY.

*Be it enacted, etc., as follows:*

Powers of  
mayor and  
aldermen in  
regard to ap-  
pointments,  
etc.

SECTION 1. The mayor and aldermen of Springfield shall have exclusive power to appoint a constable and assistants, or a chief of police, a deputy chief of police and assistants, with the powers and duties of constables, and all other police officers, and to remove the same in the manner provided by law. They may require any person appointed a chief of police, a deputy chief of police or a constable of the city to give bond, with such security as they may deem reasonable, before he enters upon the duties of his office; upon which bonds the like proceedings and remedies may be had as upon constables' bonds taken by selectmen of towns.

Certain  
officers to  
give bond.

Certain  
powers may  
be exercised  
by the city  
council, etc.

SECTION 2. The powers and duties conferred and imposed by section one of this act upon the mayor and aldermen of the said city in relation to the establishment and maintenance of a police department, the appointment of a constable, a chief of police, deputy chief of police and assistants, and all other police officers, may be exercised and performed by the city council, in such manner as it may from time to time prescribe, and wholly or in part through the agency of any persons acting as a board whom it may from time to time designate, and with such limitations of power as it may by ordinance determine.

City collector,  
election, etc.

SECTION 3. The city council of the city of Springfield shall annually, as soon after its organization as may be convenient, elect, in convention, a city collector who shall have all the powers and perform all the duties heretofore had and performed by the collector of taxes of said city.

Repeal.

SECTION 4. So much of section eight of chapter ninety-four of the acts of the year eighteen hundred and fifty-two as is inconsistent herewith, and chapter one hundred and



thirty-four of the acts of the year nineteen hundred and two, are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

*Approved April 1, 1909.*

AN ACT TO REQUIRE THE USE OF UNDER-WATER EXHAUSTS Chap.245  
OR MUFFLERS ON CERTAIN MOTOR BOATS.

*Be it enacted, etc., as follows:*

SECTION 1. It shall be unlawful to use a boat propelled, in whole or in part, by gas, gasoline or naphtha, unless the same is provided with an under-water exhaust or a muffler, so constructed and used as to muffle in a reasonable manner the noise of the explosion.

Motor boats to be provided with certain appliances.

SECTION 2. Any person who operates a boat in violation of the provisions of the preceding section shall be punished by a fine of not more than twenty-five dollars.

Penalty.

*Approved April 1, 1909.*

AN ACT TO CONFIRM THE ORGANIZATION AND PROCEEDINGS OF THE CHATHAM SEA SIDE CEMETERY CORPORATION. Chap.246

*Be it enacted, etc., as follows:*

SECTION 1. The acts and proceedings of Warren Rogers, Daniel W. Nickerson, C. H. Rockwell, S. E. Hallett, David W. Edwards, Thomas Hawes, James F. Smith, Gaius Mullett, Benjamin Patterson, Roland Mullett, Leander F. Gould, Stephen W. Gould, B. S. Cahoon and their associates in organizing the Chatham Sea Side Cemetery Corporation, in the town of Chatham, and the subsequent proceedings of the above named persons, their associates and successors under said organization are hereby ratified and confirmed; and the Chatham Sea Side Cemetery Corporation is hereby established as an existing corporation, with all the powers, rights and privileges, and subject to all the duties, limitations and restrictions set forth in all general laws now or hereafter in force relating to such corporations.

Certain proceedings of the Chatham Sea Side Cemetery Corporation confirmed.

SECTION 2. This act shall take effect upon its passage.

*Approved April 1, 1909.*

**Chap.247** AN ACT RELATIVE TO THE BOARD OF APPROVAL OF SEWER-AGE WORKS IN THE WATERSHED OF THE CHARLES RIVER BASIN.

*Be it enacted, etc., as follows:*

Expenditures  
during the  
current year.

SECTION 1. The board created by chapter four hundred and eighty-five of the acts of the year nineteen hundred and seven, entitled "An Act relative to the construction of sewerage works within the watershed of the Charles river basin by the city of Boston", may expend for salaries of engineers and assistants and for other necessary purposes during the current year a sum not exceeding eighteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved April 1, 1909.*

**Chap.248** AN ACT TO AUTHORIZE THE APPOINTMENT OF A WOMAN AS ASSISTANT REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF SUFFOLK.

*Be it enacted, etc., as follows:*

R. L. 164, § 17,  
etc., amended.

Section seventeen of chapter one hundred and sixty-four of the Revised Laws, as amended by section one of chapter two hundred and eighty-six of the acts of the year nineteen hundred and four and by section three of chapter four hundred and forty-two of the acts of the year nineteen hundred and seven, is hereby further amended by striking out the word "and", in the eighth line, and inserting after the word "Worcester", in the same line, the words: — and Suffolk, — so as to read as follows: —

Assistant reg-  
isters of pro-  
bate and  
insolvency,  
appointment,  
etc.

*Section 17.* The judges for the counties of Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Suffolk and Worcester may each appoint an assistant register of probate and insolvency for his county, who shall hold office for three years unless sooner removed by the judge. Such assistant register in Berkshire, Bristol, Franklin, Hampden, Hampshire, Worcester and Suffolk may be a woman. Before entering upon the performance of his duties, an assistant register shall take the oath prescribed by the constitution, and shall give bond to the treasurer and receiver general for the faithful performance of his official duties, in a sum not less than five

hundred nor more than five thousand dollars, as may be ordered by the judge, with one or more sureties who shall be approved by him. *Approved April 1, 1909.*

AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

*Chap. 249*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, to wit:—

Appropriations.

For Lemuel D. Burr and Anna Burr, as authorized by chapter three of the resolves of the present year, the sum of one hundred and fifty dollars.

Lemuel D. Burr and Anna Burr.

For an annuity to Lemuel D. Burr and Anna Burr, as authorized by chapter four of the resolves of the present year, the sum of one hundred and fifty dollars.

Annuity.

For compiling, indexing and publishing the records of Massachusetts soldiers and sailors who served in the revolutionary war, under the direction of the secretary of the commonwealth, as authorized by chapter eight of the resolves of the present year, a sum not exceeding three thousand dollars.

Revolutionary records.

For reimbursing the Kenny-Clark Company for the loss of a horse, as authorized by chapter twelve of the resolves of the present year, a sum not exceeding one hundred and seventy-five dollars.

Kenny-Clark Company.

For Roger D. Swaim of Cambridge, for injury to a horse, as authorized by chapter thirteen of the resolves of the present year, the sum of one hundred dollars.

Roger D. Swaim.

For the Massachusetts Charitable Eye and Ear Infirmary, as authorized by chapter seventeen of the resolves of the present year, the sum of thirty-five thousand dollars.

Massachusetts Charitable Eye and Ear Infirmary.

For reimbursing R. H. Grogan for injury to a horse, as authorized by chapter eighteen of the resolves of the present year, the sum of two hundred dollars.

R. H. Grogan.

For an annuity to Elbridge G. Gigger, as authorized by chapter twenty of the resolves of the present year, the sum of one hundred thirty-seven dollars and fifty cents.

Elbridge G. Gigger.

Lucinda B.  
Cummings.

For an annuity to Lucinda B. Cummings, as authorized by chapter twenty-one of the resolves of the present year, the sum of one hundred thirty-seven dollars and fifty cents.

Fifth company  
of coast  
artillery.

For reimbursing certain members of the fifth company of coast artillery for clothing destroyed by fire, as authorized by chapter twenty-two of the resolves of the present year, a sum not exceeding fourteen hundred and fifty dollars.

Index of war  
and militia  
records.

To provide for making an index of the war and militia records in the archives of the adjutant general, as authorized by chapter twenty-three of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Normal school  
at Westfield.

To provide for improvements at the state normal school at Westfield, as authorized by chapter twenty-four of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

Clerk, treas-  
urer's office.

For the salary of an additional clerk in the office of the treasurer and receiver general, as authorized by chapter ninety-four of the acts of the present year, a sum not exceeding one thousand dollars.

Boiler inspec-  
tion depart-  
ment, district  
police.

For investigation work and apparatus, and for maintenance expenses, in the boiler inspection department of the district police, as authorized by chapter one hundred and thirty-one of the acts of the present year, a sum not exceeding one thousand dollars.

Lyman S.  
Hapgood.

For Lyman S. Hapgood, executor of the estate of Mary A. Gott, as authorized by chapter twenty-five of the resolves of the present year, the sum of fifty-five dollars.

J. Herbert  
Thompson.

For reimbursing J. Herbert Thompson for injuries to a horse used by the militia, as authorized by chapter twenty-seven of the resolves of the present year, the sum of seventy-five dollars.

Massachusetts  
Agricultural  
College.

For replacing a barn and contents destroyed by fire at the Massachusetts Agricultural College, as authorized by chapter twenty-eight of the resolves of the present year, a sum not exceeding thirty thousand dollars, to be expended under the direction of the trustees of said college.

Thompson  
Hardware  
Company.

For the Thompson Hardware Company, as authorized by chapter twenty-nine of the resolves of the present year, the sum of fifty-eight dollars and twenty-five cents.

Town of  
Amesbury.

For the town of Amesbury, to reimburse it for the support of Sarah A. Littlefield and her sons, as authorized

by chapter thirty of the resolves of the present year, the sum of six hundred sixty-three dollars and forty cents.

For the town of Prescott, to reimburse it for money paid for the support of certain paupers, as authorized by chapter thirty-one of the resolves of the present year, the sum of twelve hundred forty-four dollars and twenty-eight cents.

Town of Prescott.

To provide for the representation of the commonwealth at the dedication of a memorial shaft in the National cemetery at Baton Rouge, Louisiana, as authorized by chapter thirty-two of the resolves of the present year, a sum not exceeding five thousand dollars.

Dedication of monument at Baton Rouge, Louisiana.

For the general work of the state board of health, including all necessary travelling expenses, a sum not exceeding seventy-five hundred dollars, the same to be in addition to the amount appropriated for that purpose by chapter sixty-one of the acts of the present year.

State board of health, expenses.

SECTION 2. This act shall take effect upon its passage.

*Approved April 1, 1909.*

AN ACT TO PROVIDE THAT PERSONS AFFLICTED WITH LEPROSY SHALL BE STATE CHARGES.

Chap.250

*Be it enacted, etc., as follows:*

SECTION 1. A person who, being afflicted with leprosy, is confined in any state institution for the care of lepers, shall be a state charge, and no sum shall be collected on his account from the city or town in which he has a settlement.

Persons afflicted with leprosy to be state charges.

SECTION 2. This act shall take effect upon its passage.

*Approved April 1, 1909.*

AN ACT TO UNITE THE BOSTON CHAMBER OF COMMERCE AND THE BOSTON MERCHANTS ASSOCIATION IN ONE CORPORATION UNDER THE NAME OF THE BOSTON CHAMBER OF COMMERCE.

Chap.251

*Be it enacted, etc., as follows:*

SECTION 1. The Boston Chamber of Commerce and the Boston Merchants Association, each a corporation duly established under the laws of this commonwealth, are hereby authorized to unite and form one corporation under the name of the Boston Chamber of Commerce.

Boston Chamber of Commerce and Boston Merchants Association may unite, etc.



Objects of  
corporation.

SECTION 2. The objects of the new corporation shall be to promote the commerce, industry and public interests of Boston, and of New England; to promote and regulate a commercial exchange in the city of Boston; to acquire, preserve and disseminate business information; to adjust controversies and misunderstandings; to establish and maintain uniformity in commercial usages; and to promote just and equitable principles of trade.

Rights, powers,  
etc., of new  
corporation,  
etc

SECTION 3. Said new corporation shall have all the rights, powers, franchises and privileges now held by, and be subject to all the liabilities, restrictions and duties now imposed upon either of said existing corporations except as is otherwise provided herein. Each of said existing corporations is hereby authorized to assign, transfer and convey to said new corporation all its rights, privileges, interests, estates and property, and said new corporation is authorized to receive and hold the same, and shall thereupon become liable for all the debts, liabilities or obligations of both of said corporations. The so-called sustaining fund, instituted by said Boston Merchants Association, shall be assigned to the new corporation and shall be devoted to the purposes for which it was instituted.

By-laws, etc.

SECTION 4. The new corporation shall have power to establish suitable by-laws to carry out all powers herein granted, including provisions as to the admission, suspension and expulsion of members, transfer of certificates of membership and forfeiture of the same, and delegation of power to officers, committees and directors. Until by-laws have been adopted by the new corporation, the by-laws of the present Boston Chamber of Commerce, so far as they are applicable and not inconsistent with this act, shall be in force as to the new corporation.

May hold  
real and per-  
sonal estate.

SECTION 5. The said Boston Chamber of Commerce authorized hereunder is hereby authorized to hold real and personal estate to an amount not exceeding one million five hundred thousand dollars, with authority to sell, purchase, mortgage, lease or rent the same or any part thereof.

Membership.

SECTION 6. The new corporation shall consist of not more than two thousand individual certificate-holding members, including those holding gratuity fund participating certificates as herein provided for, and such number

of other members as may be fixed by the by-laws and as is hereinafter provided for. Certificates of membership shall have a par value of two hundred dollars each and shall bear interest at the rate of four per cent per annum. No person shall be the permanent holder of more than one certificate, but the corporation by appropriate by-laws may provide for the temporary holding by individual members of not more than five certificates, but members holding more than one certificate shall be entitled to but one vote and shall not be obliged to pay dues on more than one certificate standing in their name: *provided, however*, that upon and after the first transfer of any such surplus certificates to any person other than the executor, administrator or trustee of the temporary holder thereof, each of such certificates so transferred shall be liable for all regular assessments.

Proviso.

SECTION 7. Provision shall be made in the rules and by-laws of the new corporation for the continuation and regulation of the existing trading facilities, and the collection and dissemination of information, data, and statistics, for the use of the commercial, manufacturing, shipping and public interests; for the conduct of work instituted and planned by the said Boston Merchants Association in the interest of metropolitan Boston and New England; for the regulation or management of the Gratuity Fund; and for such other departments, branches, boards, or committees as from time to time may be deemed advisable.

Rules and by-laws to contain certain provisions.

SECTION 8. The officers of the new corporation shall consist of a president, one or more vice presidents, a board of directors and such other officers as may be determined by the by-laws. All officers shall hold their offices for the length of time fixed by the by-laws, and shall have and exercise the powers prescribed in said by-laws. The corporation shall have power to expend the moneys of the corporation for any and all purposes within the scope of its charter and by-laws; and it may also receive, in trust or otherwise, moneys or other property, real or personal, and invest and expend the same for any of the objects of the corporation as contained in the charter or by-laws.

Officers, etc.

SECTION 9. Notwithstanding the said consolidation, the present corporations known as the Boston Chamber of

Former corporations to continue in

existence  
until, etc.

Commerce and the Boston Merchants Association, shall continue in existence for such time as is necessary for the full performance of the agreement of consolidation, for the settling of the business affairs of each corporation, and for the recovery of all sums of money due or in litigation, said sums, however, to be assigned, when and if recovered, for the use of the new corporation.

Certificate  
holders to  
receive new  
certificates,  
etc.

SECTION 10. Each member or holder of a certificate of the present Boston Chamber of Commerce, when the act of consolidation shall take effect, shall, upon payment by the new corporation and the performance of the other conditions contained in sections fourteen and fifteen of this act, surrender to the treasurer his certificate of membership and be entitled to receive without payment of any fee or assessment a certificate of membership in the new corporation as hereinbefore provided. Such certificate shall indicate upon its face whether the member is entitled to participate in the Gratuity Fund hereinafter mentioned. Each Gratuity Fund participating certificate of the present Boston Chamber of Commerce shall be exchanged for a similar Gratuity Fund participating certificate in the new corporation. Each member of the Boston Merchants Association, when the act of consolidation takes effect, shall be entitled to become a certificate holding member of the new corporation by subscribing for at least one certificate of membership, paying to the treasurer of the new corporation for every such certificate the sum of two hundred dollars, which certificate shall not carry any privilege of participation in the Gratuity Fund. The members of said Boston Merchants Association, however, shall have the privilege of subscribing temporarily for more than one certificate as hereinbefore provided.

Privileges of  
certificates of  
membership  
limited, etc.

SECTION 11. Certificates of membership in the new corporation, not issued in exchange for Gratuity Fund participating certificates of the present Boston Chamber of Commerce, shall not carry any privilege of participation in the Gratuity Fund, nor be liable for any assessments for its account.

Powers of  
new corpo-  
ration, etc.

SECTION 12. The new corporation shall have power to elect other members than those holding certificates, the number of whom shall, from time to time, be fixed at meetings duly called for that purpose. Such members

shall be liable only for the same annual dues as are levied upon certificate holding members, and shall have no interest in the real estate or other property of the new corporation; they shall, however, have equal voting power with the certificate holding members, except in matters affecting the management of the property, real or personal, owned by said corporation, but shall have equal rights with certificate holding members to use and enjoy the same; and they shall also have all other rights and privileges of certificate holding members, save as aforesaid, except that they shall not be allowed to participate in the trading privileges and facilities of said new corporation, nor shall they be entitled to participate in the Gratuity Fund provided for in this act.

SECTION 13. The new corporation by concurrent vote of a two thirds majority of both certificate holding and other members present and voting at separate meetings called for this specific purpose, notice of which meetings shall be mailed to each member not more than fifteen or less than ten days in advance, shall have the right, upon the payment of the sum of two hundred dollars and accrued interest to each certificate holder to cancel and retire all outstanding certificate-holding memberships, upon such terms and conditions as shall be determined by said two thirds majority vote. In the event of the exercise of such right of cancellation there shall be thenceforth but one form of membership in said corporation, and each member, whether previously a certificate holding or other member, shall receive a certificate representing the same individual interest in all the property, rights and privileges of the new corporation save and except participation in the Gratuity Fund, which participation shall always be confined to holders of certificates marked "Gratuity Fund Participating", which imprint shall appear upon the face of every certificate issued in exchange for a retired certificate bearing similar imprint.

Outstanding certificate-holding memberships may be cancelled, etc.

SECTION 14. In consideration of the transfer by said present Boston Chamber of Commerce of all its property to said new corporation, and for the purpose of equalizing the interests of all certificate holding members in said new corporation, the new corporation shall pay over to the present Boston Chamber of Commerce from the proceeds of the sale of certificates herein provided for, the sum of

Proceeding after consolidation is effected, etc.

two hundred thousand dollars, to be paid in equal shares by the present Boston Chamber of Commerce to the holders of its certificates at the time when the act of consolidation takes effect. If such payment is not made or tendered within ninety days after the passage of this act or within such further time as may be determined upon by the board of directors of the present Boston Chamber of Commerce, the consolidation herein provided for shall be null and void.

Consolidation  
to become  
void, unless,  
etc.

SECTION 15. The consolidation herein provided for shall become void and of no effect unless within said period of ninety days, or within the extension of such period as provided for in section fourteen, the present Boston Merchants Association shall secure one thousand members of the new corporation paying annual dues either as certificate-holding or other members, none of whom shall, at the time when the act of consolidation takes effect, be members of the present Boston Chamber of Commerce.

Authority of  
new corpora-  
tion, etc.

SECTION 16. All moneys in the Gratuity Fund shall be transferred by said Boston Chamber of Commerce, trustee, to the new corporation as trustee, and the new corporation shall have full authority to manage said Gratuity Fund, levy and collect assessments, and pay over the same to the beneficiaries in the same manner as now done by the present Boston Chamber of Commerce.

Gratuity  
Fund.

SECTION 17. The members of the present Boston Chamber of Commerce, upon exchange of their Gratuity Fund participating certificates for similar Gratuity Fund participating certificates in the new corporation, and their transferees, shall constitute the participating members of the Gratuity Fund of the new corporation. The Gratuity Fund shall be managed by the new corporation as a separate special fund in accordance with and subject to the by-laws of the present Boston Chamber of Commerce, save only as modified by this act.

Membership  
limited.

SECTION 18. The Gratuity Fund participating certificates shall at all times be limited to one thousand. Participation in said Gratuity Fund, save as provided in sections ten and seventeen of this act, and the payment of the per capita value of the Gratuity Fund shall not be a condition of admission to membership in the new corporation, but non-participating certificate-holding mem-



bers of the new corporation, provided they are otherwise eligible, may in the event of vacancies within the limit of one thousand, and upon payment of the per capita value of the fund at the time of admission, become participants in the order of date of their application for such privilege. Gratuity Fund participating certificates of the new corporation shall not be transferred to any one who is not eligible and willing to become immediately a participant therein.

SECTION 19. Said new corporation shall not assume any liability to the participants in the Gratuity Fund. The interests of all participating members in said fund shall be confined to the special funds held in trust for said Gratuity Fund in the manner provided by the by-laws of the present Boston Chamber of Commerce and to assessments levied or collected for the purposes of said fund. Any Gratuity Fund participating certificate upon which the gratuity assessment is not paid shall be sold for non-payment in a manner to be determined by the by-laws of the new corporation.

New corporation not to assume certain liability, etc.

SECTION 20. The first meeting of the new corporation shall be called by the presidents of the two existing corporations by a notice setting forth the time and place of said meeting and publication in some newspaper in the city of Boston seven days at least before said meeting, and at such meeting all members of either of said corporations shall be entitled to vote in like manner as they would have been if said corporations had met separately: *provided, however*, that no single membership shall carry the right to more than one vote. At such meeting either president may preside until permanent organization is effected, or in the absence of both presidents, the meeting may choose its temporary presiding officer.

First meeting.

SECTION 21. This act shall take effect upon its passage, subject only to the provisions of sections fourteen and fifteen, but shall be void unless accepted within one year thereafter by each of said existing corporations at meetings called for that purpose.

Proviso.

Act to be void unless accepted within one year.

*Approved April 1, 1909.*

*Chap.252* AN ACT TO AUTHORIZE THE TOWN OF DUDLEY TO SUPPLY  
ITSELF AND ITS INHABITANTS WITH WATER.

*Be it enacted, etc., as follows:*

The town of  
Dudley may  
supply itself  
with water.

SECTION 1. The town of Dudley may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid therefor.

May take cer-  
tain waters,  
water rights,  
etc.

SECTION 2. Said town, for the purposes aforesaid, may take, or acquire by purchase or otherwise, and hold the waters of any pond or stream or of any ground sources of supply by means of driven, artesian or other wells within the limits of the town, and the water rights connected with any such water sources, and may also take, or acquire by purchase or otherwise, and hold all lands, rights of way and easements necessary for collecting, storing, purifying and preserving the water, and for conveying the same to any part of said town, or may make arrangements for obtaining a supply of water from the water system of the town of Webster; and said town of Webster is hereby authorized to supply water to the town of Dudley and the inhabitants thereof upon such terms and conditions as may be agreed upon by said towns; but no source of water supply and no lands necessary for preserving the quality of such water shall be taken or otherwise acquired without first obtaining the advice and approval of the state board of health, and the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board. Said town may construct on the lands acquired and held under the provisions of this act, proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under and over any land, water courses, railroads, railways and

May erect  
structures, lay  
pipes, etc.

public or other ways, and along such ways in the town of Dudley, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways, in such manner as to cause the least possible hindrance to public travel on such ways. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners.

SECTION 3. Said town shall within ninety days after the taking of any lands, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the Worcester district of the county of Worcester, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for. The title to all lands purchased or taken under the provisions of this act shall vest in the town of Dudley, and the land so acquired may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the town.

Description of  
lands, etc., to  
be recorded.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with the town as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within the period of two years after the filing of description, as provided in section three, of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of the said two years, and no application for assessment of damages shall be made

Damages.

for the taking of any water or water right, or for any injury thereto, until the water is actually withdrawn or diverted by the town under authority of this act. Said town may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages caused by such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, and in that event said town shall be further liable only for the additional damages caused by such additional taking.

Town of  
Dudley Water  
Loan, Act of  
1909.

SECTION 5. Said town, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding one hundred and twenty-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of Dudley Water Loan, Act of 1909; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding five per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that the securities shall not be sold for less than their par value.

Proviso.

Payment of  
loan.

SECTION 6. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, a sum which with the income derived from the water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said town under authority of this act, shall forfeit and pay to the town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon being convicted of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in jail for a term not exceeding one year.

Penalty for corruption of water, etc.

SECTION 8. Said town shall, after its acceptance of this act, at the same meeting at which the act is accepted, or at a subsequent meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act and not otherwise specifically provided for shall be vested in said water commissioners, who shall be subject however to such instructions, rules and regulations as the town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in the board from any cause may be filled for the remainder of the unexpired term by the town at any legal meeting called for the purpose. Any such vacancy may be filled temporarily by a majority vote of the selectmen, and the person so appointed shall hold office until the town fills the vacancy in the manner herein provided for.

Water commissioners, election, terms, etc.

Quorum.

Vacancy.

SECTION 9. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds, notes or scrip issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges it shall be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new con-

To fix rates, etc., for use of water, etc.



struction the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid, unless the town appropriates and provides money therefor. Said commissioners shall annually, and as often as the town may require, render a report upon the condition of the works under their charge and an account of their doings, including an account of receipts and expenditures.

To make  
annual report,  
etc.

When to take  
effect.

SECTION 10. This act shall take effect upon its acceptance by a majority of the legal voters of the town of Dudley present and voting thereon at a meeting called for the purpose within three years after its passage; but the number of meetings so called in any one year shall not exceed three; and for the purpose of being submitted to the voters as aforesaid this act shall take effect upon its passage.

*Approved April 1, 1909.*

**Chap. 253** AN ACT RELATIVE TO FARM POND IN THE TOWN OF SHERBORN.

*Be it enacted, etc., as follows:*

1908, 466, § 1,  
amended.

SECTION 1. Section one of chapter four hundred and sixty-six of the acts of the year nineteen hundred and eight is hereby amended by striking out the word "ten", in the second line, and inserting in place thereof the word: — twelve, — so as to read as follows: — *Section 1.* On and after the first day of January in the year nineteen hundred and twelve, water shall not be drawn from Farm pond, in the town of Sherborn, so as to cause the level thereof to be more than four feet below average natural high-water mark.

Taking of  
water from  
Farm pond  
regulated.

1908, 466, § 2,  
amended.

SECTION 2. Section two of said chapter four hundred and sixty-six is hereby amended by striking out the word "twelve", in the fifth line, and inserting in place thereof the word: — fourteen, — so as to read as follows: — *Section 2.* Water shall not be drawn from said pond so as to cause the level thereof to be more than two feet below average natural high-water mark on the first day of every May, beginning with the first day of May, nineteen hundred and fourteen.

Water not to  
be lowered  
below certain  
level.

*Approved April 1, 1909.*

AN ACT RELATIVE TO ENTERTAINMENTS GIVEN IN PRIVATE DWELLINGS. *Chap. 254*

*Be it enacted, etc., as follows:*

Section one hundred and seventy-three of chapter one hundred and two of the Revised Laws, as amended by section five of chapter four hundred and sixty of the acts of the year nineteen hundred and four and by section one of chapter three hundred and nine of the acts of the year nineteen hundred and seven, is hereby further amended by adding at the end of the section the words: — or to entertainments given in a private dwelling, except in apartments thereof having a seating capacity of four hundred or more, — so as to read as follows: — *Section 173.* Whoever offers to view, sets up, sets on foot, maintains, carries on, publishes or otherwise assists in or promotes any such exhibition, show or amusement, without such license, shall be punished by a fine of not more than five hundred dollars for each offence. The provisions of this section and of the last preceding section, however, shall not apply to public entertainments by religious societies in their usual places of worship for a religious or charitable purpose, or to entertainments given in school buildings by, or for the benefit of, the pupils thereof, and under the supervision of the principal or teacher in charge of the school classes therein, or to entertainments given in a private dwelling, except in apartments thereof having a seating capacity of four hundred or more.

R. L. 102, § 173, etc., amended.

Penalty for promoting, etc., shows or amusements without a license.

*Approved April 1, 1909.*

AN ACT RELATIVE TO THE STATE FARM AND THE PRISON CAMP AND HOSPITAL. *Chap. 255*

*Be it enacted, etc., as follows:*

Section twenty-two of chapter two hundred and ten of the Revised Laws is hereby amended by inserting after the word "women", in the second line, the words: — the state farm, the prison camp and hospital, — so as to read as follows: — *Section 22.* Whoever wilfully disturbs the state prison, the Massachusetts reformatory, the reformatory prison for women, the state farm, the prison camp and hospital, or a jail or house of correction, or in

R. L. 210, § 22, amended.

Penalty for disturbing penal institutions.

any manner seeks to attract the attention of, or without the permission of the officer in charge has communication with, an inmate thereof shall be punished by imprisonment for not more than three months or by a fine of not more than fifty dollars.

*Approved April 2, 1909.*

**Chap.256** AN ACT TO AUTHORIZE RECEIVERS AND OTHER FIDUCIARIES TO CONTRACT FOR SAFE KEEPING OF PROPERTY IN THEIR CHARGE.

*Be it enacted, etc., as follows:*

1907, 576, § 61,  
amended.

Persons from  
whom bond is  
required may  
arrange with  
surety or  
sureties for  
their pro-  
tection, etc.

SECTION 1. Section sixty-one of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven is hereby amended by striking out the last paragraph thereof, beginning with the words "Any person, partnership, association or corporation holding property", and inserting in place thereof the following:— It shall be lawful for any receiver, assignee, guardian, conservator, trustee, executor, administrator, or other fiduciary, or party from whom a bond is required, to agree and arrange with his surety or sureties, for the deposit for safe keeping of any or all moneys, assets and other property for which he is or may be responsible, with a bank, savings bank, safe deposit or trust company authorized by law to do business as such in this commonwealth, and in such manner as to prevent the withdrawal or alienation of such money, assets or other property, or any part thereof, without the written consent of such surety or sureties or an order of the court in which such bond is filed, or of a judge thereof, made on such notice to such surety or sureties as the court or judge may direct.

SECTION 2. This act shall take effect upon its passage.

*Approved April 2, 1909.*

**Chap.257** AN ACT TO AUTHORIZE THE LENOX WATER COMPANY TO INCREASE ITS CAPITAL STOCK, TO ISSUE ADDITIONAL BONDS AND TO HOLD ADDITIONAL REAL ESTATE.

*Be it enacted, etc., as follows:*

1887, 198, § 2,  
etc., amended.

SECTION 1. Section two of chapter one hundred and ninety-eight of the acts of the year eighteen hundred and eighty-seven, as amended by chapter one hundred and thirty-eight of the acts of the year eighteen hundred and

ninety, is hereby further amended by striking out the said section and inserting in place thereof the following:—

*Section 2.* Said corporation may, for the purposes aforesaid, hold real and personal estate not exceeding in amount eighty thousand dollars, and its capital stock shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each. Said corporation may issue bonds bearing interest at a rate not exceeding six per cent per annum, and may secure the same by a mortgage on its franchise and other property to an amount in all not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

May hold real and personal estate, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved April 2, 1909.*

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO SUPPLY WATER TO SECTIONS OF CITIES AND TOWNS NOT INCLUDED IN THE METROPOLITAN WATER DISTRICT.

*Chap. 258*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter one hundred and eighty-nine of the acts of the year nineteen hundred and two is hereby amended by inserting after the word “any”, in the second line, the words:—city, town or,—and by inserting after the word “the”, in the eighth line, the words:—city, town or,—so as to read as follows:—

1902, 189, § 1, amended.

*Section 1.* The metropolitan water and sewerage board may from time to time furnish water to any city, town or water company which owns the water pipe system in a section of a city or town, for the supply of such section, although the city or town, or a part of the city or town, is within ten miles of the state house, and the city or town has not been admitted into the metropolitan water district, on payment by the city, town or water company of such sum of money as the said board may determine: *provided, however,* that the sum so determined in any case shall in the opinion of the board exceed the proper proportion of the entire assessment which would be imposed upon the city or town were it a part of the metropolitan district.

The metropolitan water and sewerage board may furnish water to certain companies.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved April 2, 1909.*

*Chap.259* AN ACT TO CHANGE THE RATE OF INTEREST UPON PAYMENTS IN SALES FOR TAXES.

*Be it enacted, etc., as follows:*

R. L. 13, § 44,  
amended.

Reimburse-  
ment of pur-  
chaser on sur-  
render of deed  
if sale is  
invalid.

SECTION 1. Section forty-four of chapter thirteen of the Revised Laws is hereby amended by striking out the word "ten", in the thirteenth line, and inserting in place thereof the word:—eight,—so as to read as follows:—*Section 44.* If it subsequently appears that, by reason of an error, omission or informality in the assessment or the sale, the purchaser has no claim upon the property sold, he may within two years after the date of the deed, offer by writing given to the collector, to surrender and discharge his deed or to assign and transfer to the city or town all his right, title and interest in the premises, as the collector shall elect. Such offer shall contain a specific statement of the reason why the holder has no claim on the land sold, with the evidence upon which he relies, and if such evidence consists of any public record or of facts shown therein, such offer shall contain a specific reference thereto. Upon such surrender and discharge or assignment and transfer, the city or town shall pay to the purchaser the amount which he paid with interest at the rate of eight per cent per annum which payment shall be in full for all damages for any defects in the proceedings or under the warranty in such deed. No city or town and no treasurer or collector thereof shall pay or be liable for any amount due under the provisions of this section unless such statement is filed.

SECTION 2. This act shall take effect upon its passage.

*Approved April 2, 1909.*

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*Chap.260* AN ACT TO AUTHORIZE THE MARION GAS COMPANY TO DO BUSINESS IN THE TOWN OF WAREHAM.

*Be it enacted, etc., as follows:*

The Marion  
Gas Company  
may furnish  
gas and elec-  
tricity in the  
town of  
Wareham.

SECTION 1. The Marion Gas Company is hereby authorized, upon the approval of the selectmen of the town of Wareham and of the board of gas and electric light commissioners, to carry on the business of furnishing gas and electricity for heat, light and power in the town of Wareham, with all the rights, powers and privileges



and subject to the duties, liabilities and restrictions set forth in all general laws now or hereafter in force relating to such corporations.

SECTION 2. This act shall take effect upon its passage.

*Approved April 2, 1909.*

AN ACT RELATIVE TO THE BOARD OF REGISTRATION IN PHARMACY. Chap. 261

*Be it enacted, etc., as follows:*

SECTION 1. Section twenty-three of chapter one hundred of the Revised Laws, as amended by chapter three hundred and eight of the acts of the year nineteen hundred and seven, is hereby further amended by striking out the words "one dollar", in the third and fourth lines, and inserting in place thereof the words:—five dollars,—by inserting after the word "revoke", in the ninth line, the words:—or suspend,—and by adding at the end of said section the words:—and such revocation or suspension shall revoke or suspend the sixth class license granted thereon,—so as to read as follows:—*Section 23.* The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than five dollars, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. The board may, after giving a hearing to the parties interested, revoke or suspend such certificate for any cause that it may deem proper, and such revocation or suspension shall revoke or suspend the sixth class license granted thereon.

R. L. 100, § 23,  
etc., amended.

Certificate of  
fitness for  
sixth class  
license, etc.

SECTION 2. Section two of chapter two hundred and eighty-one of the acts of the year nineteen hundred and six is hereby amended by striking out the words "one dollar", in the third line, and inserting in place thereof the words:—five dollars,—so as to read as follows:—*Section 2.* The board of registration in pharmacy may, upon the payment by each applicant of a fee of not more than five dollars, issue to registered pharmacists certificates of fitness as provided for in section twenty-three of said chapter one hundred. Such certificates of fitness shall be subject to suspension or revocation by the board

1906, 281, § 2,  
amended.

Certificate of  
fitness.

of registration in pharmacy, or by the licensing authorities of such cities and towns.

R. L. 76, § 10,  
amended.

SECTION 3. Section ten of chapter seventy-six of the Revised Laws is hereby amended by striking out the word "September", in the tenth line, and inserting in place thereof the word:— November,— by striking out the word "October", in the twelfth line, and inserting in place thereof the word:— December,— and by adding at the end thereof the words:— The members of said board at the time of the enactment hereof, and any member thereafter appointed to fill a vacancy, who are holding office at the expiration of their official terms, shall continue in office until the first day of December following,— so as to read as follows:— *Section 10.* There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in November be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of December following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years. The members of said board at the time of the enactment hereof, and any member thereafter appointed to fill a vacancy, who are holding office at the expiration of their official terms, shall continue in office until the first day of December following.

Board of registration in pharmacy, appointment, etc.

R. L. 76, § 11,  
amended.

SECTION 4. Section eleven of said chapter seventy-six is hereby amended by striking out the word "October", in the second line, and inserting in place thereof the word:— December,— so as to read as follows:— *Section 11.* Said board shall meet on the first Tuesday of December in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who

Organization, meetings, etc.

shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

SECTION 5. The board may suspend the certificate of registration of a registered pharmacist, who, in its judgment, is a menace to the public by reason of the improper use of intoxicating liquor or drugs, such suspension to be made only after a hearing, and by the unanimous vote of all the members of the board.

May suspend certificate of registration of registered pharmacist for cause.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 7. This act shall take effect upon its passage.  
*Approved April 3, 1909.*

AN ACT RELATIVE TO LICENSES TO HUNT.

*Chap. 262*

*Be it enacted, etc., as follows:*

SECTION 1. Section two of chapter one hundred and ninety-eight of the acts of the year nineteen hundred and seven, relative to non-resident hunters, is hereby repealed.

Repeal.

SECTION 2. Said chapter is hereby further amended by striking out section seven and inserting in place thereof the following: — *Section 7.* The fee for the license aforesaid shall be ten dollars except as hereinafter provided, and the money received for the said licenses by the commissioners shall be paid into the treasury of the commonwealth. The fee for the said license shall be one dollar for the following classes of persons: — (1) A resident of another state who owns real estate situated in this commonwealth, which is assessed for taxation at not less than five hundred dollars. (2) A non-resident member of any association, incorporated prior to the year nineteen hundred and seven, for the purpose of hunting or fishing, provided that such corporation owns real estate in this commonwealth, which is assessed for taxation at not less than one thousand dollars. (3) A non-resident who, on the written invitation of a member of any club incorporated under the laws of Massachusetts, attends a meeting

1907, 198, § 7, amended.

Fee for license to hunt.

of such club for the purpose of hunting foxes only, during a period not exceeding four days, provided that the membership list of the club shall be filed with the commissioners on fisheries and game.

SECTION 3. This act shall take effect upon its passage.

*Approved April 3, 1909.*

**Chap. 263** AN ACT TO PROVIDE FOR CONSOLIDATING THE OFFICE OF SUPERINTENDENT FOR SUPPRESSING THE GYPSY AND BROWN TAIL MOTHS AND THE DEPARTMENT OF THE STATE FORESTER.

*Be it enacted, etc., as follows:*

1904, 409, § 1,  
etc., amended.

SECTION 1. Section one of chapter four hundred and nine of the acts of the year nineteen hundred and four, as amended by section one of chapter four hundred and seventy-three of the acts of the year nineteen hundred and seven, is hereby further amended by striking out the said section and inserting in place thereof the following:—

State forester,  
appointment,  
etc.

*Section 1.* The governor, with the consent of the council, shall appoint an officer to be known as the state forester, and shall determine his salary. He shall be a trained forester who has had a technical education. He shall be ex officio a member of the state board of agriculture. He shall act for the commonwealth in suppressing the gypsy and brown tail moths as public nuisances. The governor may, with the consent of the council, remove the state forester at any time for such cause as he shall deem sufficient. In case of the death, removal or resignation of the state forester the governor shall forthwith appoint a successor.

Office of super-  
intendent for suppress-  
ing gypsy  
and brown  
tail moths  
abolished.

Powers, duties,  
etc., trans-  
ferred to state  
forester.

SECTION 2. The office of superintendent for suppressing the gypsy and brown tail moths is hereby abolished. All the powers, rights, duties and liabilities of the said superintendent are hereby transferred to the state forester. No existing contracts, proceedings or liabilities shall be affected hereby, but the state forester shall in all respects and for all purposes be the lawful successor of the superintendent for suppressing the gypsy and brown tail moths.

SECTION 3. This act shall take effect upon its passage.

*Approved April 7, 1909.*

AN ACT RELATIVE TO PRIMARIES AT SPECIAL ELECTIONS. *Chap. 264*

*Be it enacted, etc., as follows:*

Section one hundred and forty-eight of chapter five hundred and sixty of the acts of the year nineteen hundred and seven is hereby amended by striking out the words "or any special election", in the fifth and sixth lines, and inserting in place thereof the words:—*provided*, that at special elections all primaries shall be held on the third Thursday preceding the day of the election,—so as to read as follows:—*Section 148.* Primaries shall be held on the sixth Tuesday preceding state elections, on the third Tuesday preceding city elections, except in Boston, where they shall be held on the fourth Thursday preceding the city election, and on the second Tuesday preceding town elections: *provided*, that at special elections all primaries shall be held on the third Thursday preceding the day of the election.

1907, 560,  
§ 148,  
amended.

Days of  
holding  
primaries.

Proviso.

In Boston they shall be held by precincts as established for elections; elsewhere, wholly or partly by wards, precincts or towns, as the board of aldermen or selectmen may from time to time determine.

Primaries  
to be held by  
precincts in  
Boston, etc.

*Approved April 7, 1909.*

AN ACT RELATIVE TO THE CATCHING OF LOBSTERS. *Chap. 265*

*Be it enacted, etc., as follows:*

SECTION 1. It shall be unlawful for any person not being a citizen of the commonwealth to set or cause to be set any net or trap for the catching of lobsters in the waters of the commonwealth, unless such person has been a continuous resident of the state for at least one year prior to such setting or keeping: *provided, however*, that the mayor and aldermen of any city, or the selectmen of any town may grant permits in writing to any temporary resident of such city or town to set lobster pots in the waters thereof for his own family use.

Catching of  
lobsters  
regulated.

Proviso.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine not exceeding twenty dollars for each offence.

Penalty.

SECTION 3. Any commissioner of fisheries and game, or deputy commissioner, and any member of the district police, and any deputy sheriff, police officer or constable,

Certain lobster  
pots may be  
seized, etc.



within his jurisdiction, may seize and destroy any pot set or kept in violation of this act.

Repeal.

SECTION 4. Section ninety-two of chapter ninety-one of the Revised Laws is hereby repealed.

*Approved April 7, 1909.*

**Chap. 266** AN ACT RELATIVE TO THE RECOVERY BY THE TREASURER AND RECEIVER GENERAL OF TAXES IMPOSED ON LEGACIES AND SUCCESSIONS.

*Be it enacted, etc., as follows:*

Certain taxes may be recovered by the treasurer and receiver general in an action of contract, etc.

SECTION 1. Taxes imposed by chapter four hundred and twenty-five of the acts of the year eighteen hundred and ninety-one, and the acts in amendment thereof and in addition thereto, and by chapter fifteen of the Revised Laws, and the acts in amendment thereof and in addition thereto, and by chapter five hundred and sixty-three of the acts of the year nineteen hundred and seven, and the acts in amendment thereof and in addition thereto, may be recovered by the treasurer and receiver general in an action of contract brought in the name of the commonwealth, or by an information in equity brought in the supreme judicial court by the attorney-general at the relation of the treasurer and receiver general. In a proceeding under this act for the collection of taxes imposed by chapter four hundred and twenty-five of the acts of the year eighteen hundred and ninety-one, and the acts in amendment thereof and in addition thereto, or by chapter fifteen of the Revised Laws, and the acts in amendment thereof and in addition thereto, a final decree of the probate court in a proceeding to which the treasurer and receiver general was a party, fixing the amount of the tax, shall be conclusive as to such amount; but if there has been no such determination the amount may be determined in proceedings under this act. In a proceeding under this act for the collection of taxes imposed by chapter five hundred and sixty-three of the acts of the year nineteen hundred and seven, and the acts in amendment thereof and in addition thereto, the determination by the tax commissioner in accordance with the provisions of section twenty of said chapter, of the amount of the tax shall be final as to such amount: *provided, however*, that an executor, administrator, trustee or grantee may show,

Proviso.

in any proceeding brought against him under this act, any facts which would entitle him to an abatement under the provisions of section twenty of said chapter, and a judgment or decree shall be entered for the amount of the tax so determined less the amount proved to have been assessed without authority of law, together with interest and costs. If upon an information brought under this act the court shall find that any tax remains due, it shall order the executor, administrator, trustee or grantee to pay the same, with interest and costs, and execution may be awarded therefor. Execution awarded upon judgments and decrees for taxes imposed by chapter five hundred and sixty-three of the acts of the year nineteen hundred and seven, and the acts in amendment thereof and in addition thereto, shall be awarded in accordance with the provisions of section twenty-one of said chapter.

SECTION 2. Penalties and forfeitures incurred by persons under the provisions of chapter five hundred and sixty-three of the acts of the year nineteen hundred and seven, and the acts in amendment thereof and in addition thereto, may be recovered by the treasurer and receiver general in an action of contract brought in the name of the commonwealth, or by an information in equity brought in the supreme judicial court by the attorney-general at the relation of the treasurer and receiver general.

Penalties and  
forfeitures,  
etc.

SECTION 3. This act shall take effect upon its passage.

*Approved April 8, 1909.*

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AN ACT RELATIVE TO THE TAXATION OF STOCK INSURANCE CORPORATIONS.

*Chap. 267*

*Be it enacted, etc., as follows:*

SECTION 1. Section thirty-seven of chapter fourteen of the Revised Laws is hereby amended by inserting after the word "section", in the fortieth line, the words: — Insurance companies organized under the general or special laws of this commonwealth and having a capital stock shall also state in their return, in such detail as the tax commissioner may require, the real and personal property belonging to the corporation within and without the commonwealth.

R. L. 14, § 37,  
amended.

Returns of  
insurance  
companies.

SECTION 2. Section thirty-eight of said chapter fourteen is hereby amended by inserting after the word

R. L. 14, § 38,  
amended.

Value of real  
estate, etc.

“situated”, in the thirty-second line, the words:—  
Fourth, In case of a stock insurance company the value as found by the tax commissioner of its real estate subject to local taxation wherever situated, and of securities which, if owned by a natural person resident in this commonwealth, would not be liable to taxation; also the value as found by the tax commissioner of its personal property situated in another state or country and subject to taxation therein.

SECTION 3. This act shall take effect upon its passage.

*Approved April 8, 1909.*

*Chap. 268* AN ACT RELATIVE TO THE TAXATION OF PROPERTY PASSING BY WILL, OR UNDER THE LAWS REGULATING INTESTATE SUCCESSION, FROM AN ADOPTED CHILD TO THE ADOPTIVE PARENT OR LINEAL ANCESTOR THEREOF.

*Be it enacted, etc., as follows:*

1907, 563. § 1,  
amended.

SECTION 1. Section one of chapter five hundred and sixty-three of the acts of the year nineteen hundred and seven is hereby amended by inserting after the words “adopted child”, in the sixteenth line, the words:— the adoptive parent or lineal ancestor of an adoptive parent, — by striking out the word “or”, at the end of the forty-first line, and inserting a comma in its place, and by inserting after the word “child”, in the forty-second line, the words:— adoptive father or adoptive mother, — so as to read as follows:— *Section 1.* All property within the jurisdiction of the commonwealth, corporeal or incorporeal, and any interest therein, whether belonging to inhabitants of the commonwealth or not, which shall pass by will, or by the laws regulating intestate succession, or by deed, grant, or gift, except in cases of a bona fide purchase for full consideration in money or money’s worth, made or intended to take effect in possession or enjoyment after the death of the grantor, to any person, absolutely or in trust, except to or for the use of charitable, educational or religious societies or institutions, the property of which is by law exempt from taxation, or for or upon trust for any charitable purposes, or to or for the use of a city or town for public purposes, or to or for the use of (class A) the husband, wife, lineal ancestor, lineal

Taxation of  
legacies and  
successions,  
etc.

descendant, adopted child, the lineal descendant of any adopted child, the adoptive parent or lineal ancestor of an adoptive parent, the wife or widow of a son, or the husband of a daughter, of a decedent, or to or for the use of (class B) the brother, sister, nephew or niece of a decedent, shall be subject to a tax of five per cent of its value for the use of the commonwealth; and such property which shall so pass to or for the use of a member of class A shall be subject to a tax of one per cent of its value for the use of the commonwealth if such value does not exceed fifty thousand dollars, to a tax of one and one half per cent if its value exceeds fifty thousand and does not exceed one hundred thousand dollars, and to a tax of two per cent if its value exceeds one hundred thousand dollars; and such property which shall so pass to or for the use of a member of class B shall be subject to a tax of three per cent of its value for the use of the commonwealth if such value does not exceed twenty-five thousand dollars, to a tax of four per cent if its value exceeds twenty-five thousand and does not exceed one hundred thousand dollars, and to a tax of five per cent if its value exceeds one hundred thousand dollars; and administrators, executors and trustees, and any grantees under such conveyance made during the grantor's life, shall be liable for such taxes, with interest, until the same have been paid; but no bequest, devise or distributive share of an estate which shall so pass to or for the use of a husband, wife, father, mother, child, adopted child, adoptive father or adoptive mother of the deceased, unless its value exceeds ten thousand dollars, and no other bequest, devise or distributive share of an estate unless its value exceeds one thousand dollars, shall be subject to the provisions of this act; but no tax shall be exacted upon property so passing which shall reduce its value below the amount of the above exemptions.

Taxation of  
legacies and  
successions,  
etc.

SECTION 2. The provisions of this act shall apply to all cases in which the said tax remains unpaid at the date of the passage hereof.

To be ap-  
plicable in  
certain cases.

SECTION 3. This act shall take effect upon its passage.

*Approved April 9, 1909.*

*Chap. 269* AN ACT TO AUTHORIZE THE TOWN OF NORTH ATTLEBOROUGH TO CONSTRUCT A SYSTEM OF SEWERAGE.

*Be it enacted, etc., as follows:*

The town of North Attleborough may construct a system of sewerage, etc.

SECTION 1. The town of North Attleborough is hereby authorized to lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or for the whole of its territory, with such connections and other works as may be required for a system of sewage disposal; and, for the purpose of providing better surface or other drainage, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best. For the purposes aforesaid the town may, within its limits, deepen, widen and clear of obstruction any brook, stream or water course, and straighten or alter the channel or divert the water thereof, and may lay, make and maintain sub-drains, and, with the approval of the state board of health, discharge the water into any brook, stream or water course within the town.

Sewer commissioners, election, terms, etc.

SECTION 2. Said town shall elect a board of three commissioners, to be called sewer commissioners of the town of North Attleborough, who shall be citizens and residents of the town and shall be elected by ballot at an annual meeting of the town, one commissioner to hold office for one year, one for two years and one for three years, respectively, from the date of the annual town meeting at which he is elected, and until his successor is elected and qualified; and at each annual town meeting thereafter the town shall elect one member of the board to serve for three years or until his successor is elected and qualified. If a vacancy occurs in the board, the remaining members of the board and the selectmen in joint committee shall appoint a person duly qualified to serve as sewer commissioner for the remainder of the unexpired term.

Vacancy.

May take lands, water rights, etc.

SECTION 3. Said board, acting in behalf of the town, shall have power to take, or acquire by purchase or otherwise, any lands in fee and any water rights, rights of way and easements in said town, public or private, necessary for any of the purposes mentioned in this act, and may construct within the town main drains and sewers under



or over any water course, bridge, railroad, railway or way, or within the location of any railroad or railway, and may enter upon and dig up any private land, street or way, or railroad or railway location, for the purpose of laying main drains and sewers, and of maintaining and repairing the same, and may do any other thing necessary or proper for the purposes of this act: *provided, however,* Proviso. that said commissioners shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drains or sewers within the location of any railroad corporation, except at such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the board of railroad commissioners.

SECTION 4. Said board, acting in behalf of the town and in accordance with the provisions of chapter four hundred and forty-eight of the acts of the year nineteen hundred and eight, shall have power to take, or acquire by purchase or otherwise, land in the town of Attleborough for sewerage purposes and within the limits specified in the said chapter. May take, etc., certain land.

SECTION 5. Said board, in order to take any lands in fee, water rights, rights of way or easements, otherwise than by purchase or agreement, shall cause to be recorded in the registry of deeds for the northern district of the county of Bristol a statement signed by a majority of the board, containing a description thereof as certain as is required in a conveyance of land, and specifying that the same are taken under authority of this act; and upon such recording title to the lands, water rights, rights of way or easements described in such statement shall vest in the town of North Attleborough, which shall pay all damages therefor and all other damages which shall be sustained by any person or corporation through any action of said board under this act. Said board at the time of such taking shall notify the owners thereof in writing, and may agree with any person or corporation injured hereunder upon the damages sustained by such person or corporation; and if the damages are not agreed upon, a jury in the superior court of said county may be had to determine the same, upon petition of either party, in the manner provided by law for determining the damages for land taken for the laying out of highways; but in case of Description of lands taken to be recorded, etc.  
Damages.

a taking no suit or petition shall be brought after the expiration of two years from the date of the recording of the taking as herein provided; and in all other cases no suit or petition shall be brought after the expiration of two years from the time when the cause of action accrues.

Town may offer specified sum as damages.

SECTION 6. In every case of a petition for the assessment of damages or for a jury said town may at any time file in the office of the clerk of the court an offer in writing to pay the petitioner a sum therein specified as damages; and if the petitioner does not accept the same within thirty days after notice of such offer, and does not finally recover a sum greater than that offered, not including interest from the date of the offer on the sum so recovered, the town shall recover costs from the date of such notice, and the petitioner, if he does not recover damages to an amount greater than the amount specified in said offer, shall be entitled to costs only to said date.

North Attleborough Sewerage Loan, Act of 1909.

SECTION 7. The town of North Attleborough, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness to an amount not exceeding two hundred and fifty thousand dollars, and may issue from time to time therefor bonds or notes; and the debt and loan authorized by this act and the bonds and notes issued therefor shall not be reckoned in determining the statutory limit of indebtedness of the town. Such bonds or notes shall bear on their face the words, North Attleborough Sewerage Loan, Act of 1909, shall be payable within periods not exceeding thirty years from the dates of issue, and shall bear interest payable semi-annually at a rate not exceeding four per cent per annum. They shall be signed by the treasurer of the town and countersigned by a majority of the selectmen. The town may from time to time sell such securities, or any part thereof, at public or private sale, or pledge the same for money borrowed for the purposes of this act, provided they shall not be sold for less than the par value thereof. The proceeds shall be retained in the treasury, and the treasurer shall, upon the order of said board of commissioners and the approval of the selectmen, pay therefrom the expenses incurred for the purposes aforesaid.

Annual payments on loan.

SECTION 8. The town shall at the time of authorizing the said loan provide for the payment thereof in such an-

nual payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby, less the amount that may be appropriated therefor as provided in the following section, shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed, until the debt incurred by the town is extinguished.

SECTION 9. The receipts from sewer assessments and from payments made in lieu thereof, and the premiums, if any, received from the sale of bonds or notes issued under authority of this act, shall be applied by the board of sewer commissioners to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage, or to the extension thereof, except that the town may apply any part of such receipts to the payment of the interest upon bonds or notes issued under authority of this act and not otherwise provided for, or to the payment or redemption of such bonds or notes, as the town shall by vote determine, and the said receipts shall be used for no other purpose. If such receipts shall not in any year be sufficient for the purposes aforesaid the town shall raise forthwith by taxation, in the same manner in which money is raised for other town purposes, the balance required therefor.

Payment of  
loan, etc.

SECTION 10. Said board shall annually appoint a clerk, and may appoint a superintendent of sewers, who shall not be a member of the board, and may remove said clerk or superintendent at its pleasure, and may fix the compensation of the clerk and superintendent and define their duties. The compensation of the commissioners shall be fixed by the town.

Clerk and  
superintend-  
ent, appoint-  
ment, com-  
pensation, etc.

SECTION 11. All contracts made by said board shall be made in the name of the town and shall be signed by the board; but no contract shall be made or obligation incurred by the board for any purpose in excess of the amount of money appropriated by the town therefor.

Contracts.

SECTION 12. Said board may from time to time prescribe rules and regulations for the connecting of estates and buildings with main drains and sewers, and for the inspection of the material, the construction, alteration and use of all connections and drains entering into such main drains or sewers, and may impose penalties not exceeding

May make  
rules and  
regulations,  
etc.

twenty dollars for every violation of any such rule or regulation. Such rules or regulations shall be published not less than once a week for three successive weeks in some newspaper published in the town of North Attleborough, if there be any, and if not, then in some newspaper published in the county of Bristol, and shall not take effect until such publication has been made.

Plans to be approved by state board of health.

SECTION 13. No act shall be done under authority of the preceding sections until the plans of said system of sewerage have been approved by the state board of health. Upon application to said board for such approval the board shall give a hearing, after due notice to the public. At such hearing plans showing in detail all the work to be done in constructing said system of sewerage shall be submitted for the approval of the state board of health.

Town may commence construction.

SECTION 14. Until said board of commissioners shall have been elected as provided in this act the town may carry on the construction of its system of sewerage by a duly authorized committee of the town, but for a period not longer than until the annual meeting next but one after the beginning of said work of construction. Said committee shall serve without pay and shall have all the powers and authority given to the board of sewer commissioners by this act or by the general laws relating to boards of sewer commissioners.

When to take effect.

SECTION 15. This act shall take effect upon its passage, but no expenditure shall be made and no liability incurred hereunder, except by vote of a majority of the voters of said town voting thereon at a legal meeting called for the purpose.

*Approved April 9, 1909.*

**Chap. 270** AN ACT RELATIVE TO THE APPOINTMENT OF HARBOR MASTERS FOR HARBORS THAT HAVE BEEN IMPROVED BY THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

R. L. 66, § 19, amended.

SECTION 1. Section nineteen of chapter sixty-six of the Revised Laws is hereby amended by inserting after the word "may", in the third line, the words: — and for all harbors that have been improved by the expenditure of money from the treasury of the commonwealth shall, — so as to read as follows: — *Section 19.* The mayor and aldermen of a city or the selectmen of a town in which a harbor is situated, unless otherwise specially provided,

Harbor masters, etc., appointment, etc.

may, and for all harbors that have been improved by the expenditure of money from the treasury of the commonwealth shall, appoint a harbor master and assistant harbor masters and fix their compensation, which shall be paid by their respective cities or towns. The harbor master shall continue in office until the appointment of his successor, and the assistants, until the appointment of their successors or until their appointments have been revoked.

SECTION 2. This act shall not affect chapter one hundred and forty-seven of the acts of the year eighteen hundred and eighty-nine, which relates to the appointment of a harbor master and assistants for the city of Boston.

Not to apply to city of Boston.

SECTION 3. This act shall take effect upon its passage.  
*Approved April 9, 1909.*

AN ACT TO REQUIRE THE MAKING OF CERTAIN ANNUAL ESTIMATES BY OFFICIALS OF THE COUNTY OF SUFFOLK.

Chap.271

*Be it enacted, etc., as follows:*

SECTION 1. The district attorney, sheriff, register of deeds, register of probate and all clerks of courts in and for Suffolk county, all officers or persons in charge of the care and maintenance of the Suffolk county court house, and all other officers of the said county, whether elected or appointed, having the right or duty to expend money for county purposes shall, on the first day of February in each year, furnish to the mayor and to the auditor of the city of Boston estimates of the expenses of their respective offices, departments or undertakings, and of their prospective expenditures for the ensuing year.

Certain officials of Suffolk county to furnish annual estimates of expenses, etc.

SECTION 2. This act shall take effect upon its passage.  
*Approved April 9, 1909.*

AN ACT TO ESTABLISH THE OPEN SEASON FOR RUFFED GROUSE, QUAIL AND WOODCOCK.

Chap.272

*Be it enacted, etc., as follows:*

SECTION 1. The open season for ruffed grouse, quail and woodcock shall begin on the fifteenth day of October and shall end with the fifteenth day of November.

Open season for certain game birds.

SECTION 2. So much of any act as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.  
*Approved April 9, 1909.*



*Chap. 273*

## AN ACT RELATIVE TO MEDICAL EXAMINERS.

*Be it enacted, etc., as follows:*R. L. 24, § 10,  
amended.

SECTION 1. Section ten of chapter twenty-four of the Revised Laws is hereby amended by inserting after the word "found", in the thirteenth line, the words:—if the supposed act of violence causing the death and the place in which the body was found be within the same county and within the district of said medical examiner, or if the place of such supposed act of violence be not known,—and by adding at the end of said section the words:—If the supposed act of violence causing the death and the place in which the body was found be not within the same county and within the district of said medical examiner, he shall at once notify the district attorney and a justice of the police, district or municipal court or trial justice having jurisdiction over the place where the supposed act of violence causing the death of the deceased was committed, and shall file an attested copy of his autopsy and view and of his personal inquiries relating thereto in the court or with the justice and with the district attorney having jurisdiction over the place where the supposed act of violence causing the death of the deceased was committed,—so as to read as follows:—*Section 10.* He shall forthwith file with the district attorney of his district a report of each autopsy and view and of his personal inquiries, with a certificate that, in his judgment, the manner and cause of death could not be ascertained by view and inquiry and that an autopsy was necessary. The district attorney, if satisfied that an autopsy was necessary, shall so certify to the county commissioners having jurisdiction over the place in which the autopsy was held or, in the county of Suffolk, to the auditor of Boston. If upon such view, personal inquiry or autopsy, the medical examiner is of opinion that the death was caused by violence, he shall at once notify the district attorney and a justice of the police, district or municipal court or trial justice having jurisdiction over the place in which the body was found, if the supposed act of violence causing the death and the place in which the body was found be within the same county and within the district of said medical examiner,

Report of  
autopsy to be  
filed with  
district  
attorney, etc.

or if the place of such supposed act of violence be not known, and shall file an attested copy of the record of his autopsy in such court or with such justice and with the district attorney. If the supposed act of violence causing the death and the place in which the body was found be not within the same county and within the district of said medical examiner, he shall at once notify the district attorney and a justice of the police, district or municipal court or trial justice having jurisdiction over the place where the supposed act of violence causing the death of the deceased was committed, and shall file an attested copy of his autopsy and view and of his personal inquiries relating thereto in the court or with the justice and with the district attorney having jurisdiction over the place where the supposed act of violence causing the death of the deceased was committed.

SECTION 2. Section eleven of said chapter twenty-four, as amended by section one of chapter one hundred and nineteen of the acts of the year nineteen hundred and four, is hereby further amended by inserting after the word "justice", in the first line, the words:—notified in accordance with the provisions of the preceding section,—so as to read as follows:—*Section 11.* The court or trial justice, notified in accordance with the provisions of the preceding section, shall thereupon hold an inquest, from which all persons not required by law to be present may be excluded, and the witnesses may be kept separate, so that they cannot converse with each other until they have been examined. The district attorney, or some person designated by him, may attend the inquest and examine the witnesses. An inquest shall be held in all cases of death by accident upon a railroad or street railway, and the court or justice holding such inquest shall give seasonable notice of the time and place thereof to the board of railroad commissioners. The attorney-general or the district attorney may direct an inquest to be held in the case of death by any casualty.

R. L. 24, § 11,  
etc., amended.

When inquest  
shall be held,  
etc.

SECTION 3. This act shall take effect upon its passage.

*Approved April 9, 1909.*

**Chap.274** AN ACT RELATIVE TO THE REMOVAL OF INSANE PRISONERS.

*Be it enacted, etc., as follows:*

Removal of  
insane  
prisoners.

The provisions of section one hundred and one of chapter two hundred and twenty-five of the Revised Laws, relative to the removal of insane prisoners, and of all acts in amendment thereof, shall apply to the prison camp and hospital in Rutland.

*Approved April 9, 1909.*

**Chap.275** AN ACT TO LEGALIZE CERTAIN PROCEEDINGS OF THE TOWN MEETING OF THE TOWN OF WINCHENDON.

*Be it enacted, etc., as follows:*

Certain pro-  
ceedings of  
the town of  
Winchendon  
confirmed, etc.

SECTION 1. The proceedings of the annual town meeting of the town of Winchendon, held on the first day of March in the year nineteen hundred and nine, are hereby ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.

*Approved April 9, 1909.*

**Chap.276** AN ACT RELATIVE TO THE AUTHORITY OF CLERKS IN THE OFFICE OF DISTRICT ATTORNEY FOR THE SUFFOLK DISTRICT.

*Be it enacted, etc., as follows:*

Clerk or  
stenographer  
to have  
powers of  
assistant  
district  
attorney, etc.

SECTION 1. The district attorney for the Suffolk district may, if in his opinion the interests of the commonwealth so require, with the approval of the chief justice of the superior court, authorize any clerk or stenographer appointed under authority of chapter four hundred and sixty of the acts of the year nineteen hundred and six, provided that such clerk or stenographer is an attorney at law, to exercise all the powers of an assistant district attorney, but in no instance shall any such authority, without renewal, continue more than one year. Such an authorization shall not affect the compensation of any clerk or stenographer so authorized, and may be revoked at any time by the district attorney.

SECTION 2. This act shall take effect upon its passage.

*Approved April 9, 1909.*

AN ACT TO CONSOLIDATE THE BOARD OF WATER COMMISSIONERS AND THE BOARD OF SEWER COMMISSIONERS OF THE TOWN OF LEXINGTON. Chap. 277

*Be it enacted, etc., as follows:*

SECTION 1. The board of water commissioners of the town of Lexington, established pursuant to rules and regulations adopted by vote of the town March twenty-third, eighteen hundred and ninety-six, and continued in force by vote passed February fifteenth, nineteen hundred and seven, and the board of sewer commissioners of said town, established under chapter five hundred and four of the acts of the year eighteen hundred and ninety-seven, now consisting of the same persons, namely, Francis W. Dean, George D. Milne and Robert P. Clapp, whose terms of office are the same in each board and will expire at the annual town meeting in nineteen hundred and ten, nineteen hundred and eleven and nineteen hundred and twelve, respectively, are hereby consolidated in one board, to be called the board of water and sewer commissioners. Said incumbents of the existing boards shall originally constitute the consolidated board, with their respective terms of office the same as those for which they were severally elected to the separate boards as aforesaid; and the town shall at each annual meeting, beginning with the year nineteen hundred and ten, elect one member of said board of water and sewer commissioners to serve for three years and until his successor is elected and qualified. If a vacancy shall occur in said board the town may at any meeting called for the purpose elect a person to fill the vacancy.

Consolidation of certain boards in the town of Lexington, etc.

Vacancy.

SECTION 2. All the powers and duties of said board of water commissioners and of said board of sewer commissioners shall hereafter devolve upon and be performed by said board of water and sewer commissioners. No contracts, rights or liabilities now existing shall be affected by the consolidation, but the said board of water and sewer commissioners shall in all respects and for all purposes be the lawful successor of said board of water commissioners and said board of sewer commissioners, respectively.

Not to affect existing contracts, etc.

Powers and  
duties.

SECTION 3. As part of its powers and duties said board of water and sewer commissioners, subject to the direction and control of the town, as expressed by vote of the town from time to time, shall have the care and management of the town's system of water supply derived from the metropolitan system and of the property and business connected with such supply, including all construction and repair work and the making of contracts therefor.

Officers,  
appointment,  
compensation,  
etc.

SECTION 4. Said board may appoint a clerk, a superintendent, registrar and other necessary subordinate officers or agents, and may define their duties and fix their compensation; but no commissioner shall hold any office or position of emolument under the board. Section twelve of said chapter five hundred and four is hereby amended to conform to the provisions of this section four.

When to take  
effect.

SECTION 5. This act shall take effect upon its acceptance by a majority of the voters of the said town voting thereon at an annual meeting or at a special meeting duly called for the purpose.

*Approved April 9, 1909.*

**Chap. 278** AN ACT TO EXEMPT CERTAIN FRATERNAL MUTUAL BENEFIT SOCIETIES FROM THE OPERATION OF CERTAIN PROVISIONS OF LAW REGULATING THE MAKING OF SMALL LOANS.

*Be it enacted, etc., as follows:*

Certain Mutual  
benefit socie-  
ties exempt  
from certain  
provisions of  
law

SECTION 1. A fraternal mutual benefit society the membership of which is limited to the employees of any one person, firm or corporation, and which makes loans to its members only, shall be exempt from obtaining a license in accordance with the provisions of chapter six hundred and five of the acts of the year nineteen hundred and eight.

SECTION 2. This act shall take effect upon its passage.

*Approved April 9, 1909.*

**Chap. 279** AN ACT RELATIVE TO PUBLIC CEMETERIES IN TOWNS.

*Be it enacted, etc., as follows:*

R. L. 78, § 16,  
amended.

SECTION 1. Section sixteen of chapter seventy-eight of the Revised Laws is hereby amended by striking out the words "or of", in the thirteenth line, and inserting in



place thereof a comma, by inserting after the word "its", in the same line, the word: — care, — and by adding at the end of said section the words: — or the enlargement of the cemetery, — so as to read as follows: — *Section 16.* Towns may appropriate money for enclosing any cemetery provided by them according to law or for constructing paths and avenues and embellishing the grounds therein, and may establish all necessary rules relative thereto not repugnant to law. They may lay out such cemetery into lots, and shall set apart a suitable portion as a public burial place for the use of the inhabitants, free of charge. They may sell and convey to any persons, resident or non-resident, the exclusive right of burial and of erecting tombs and cenotaphs upon any lot and of ornamenting the same, upon such terms and conditions and subject to such regulations as they shall prescribe. The proceeds of such sales shall be paid into the town treasuries, be kept separate from other funds and be appropriated to reimburse the towns for the cost of the land, its care, improvement and embellishment, or the enlargement of the cemetery.

Towns may appropriate money for improvement, etc., of cemeteries.

SECTION 2. This act shall take effect upon its passage.

*Approved April 9, 1909.*

AN ACT TO PROVIDE FOR THE REIMBURSEMENT OF OFFICERS OF THE ARMY AND NAVY OF THE UNITED STATES FOR CERTAIN EXPENSES INCURRED BY THEM WHILE ON DUTY WITH THE VOLUNTEER MILITIA OF THE COMMONWEALTH.

*Chap. 280*

*Be it enacted, etc., as follows:*

SECTION 1. Officers of the army and navy of the United States hereafter detailed by the war or navy department, at the request of the commander-in-chief, to act as instructors, advisers, or umpires, or to perform any other duty in connection with the volunteer militia of the commonwealth, shall be reimbursed by the commonwealth, from the appropriation for compensation of officers and men of the militia, for all expenses incurred by them in the performance of the said duties, and authorized or approved by the adjutant general, in excess of those expenses allowed and paid by the United States. Payments under this section shall be made to officers entitled thereto on

Officers of the United States army and navy to be reimbursed for certain expenses, etc.

certificates, approved by the adjutant general, in such form as the commander-in-chief shall prescribe.

SECTION 2. This act shall take effect upon its passage.

*Approved April 9, 1909.*

**Chap.281** AN ACT RELATIVE TO THE INSPECTION OF CINEMATOGRAPHS AND SIMILAR APPARATUS, AND TO THE LICENSING OF OPERATORS THEREOF.

*Be it enacted, etc., as follows:*

Fee for inspection of cinematograph, etc.

SECTION 1. For the inspection of a cinematograph or similar apparatus involving the use of a combustible film more than ten inches in length, as provided by section one of chapter five hundred and sixty-six of the acts of the year nineteen hundred and eight, a fee of one dollar shall be paid by the owner or user thereof.

Fee for license to operate cinematograph, etc.

SECTION 2. A fee of three dollars shall accompany the application for examination for a license to exhibit or operate any cinematograph or similar apparatus involving the use of a combustible film more than ten inches in length, as provided by section four of said chapter five hundred and sixty-six.

Fee for permit as assistant operator.

SECTION 3. A fee of one dollar shall accompany the application for a permit as an assistant, as provided by section five of said chapter five hundred and sixty-six.

Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

*Approved April 9, 1909.*

**Chap.282** AN ACT TO EXCLUDE DUG POND IN THE TOWN OF NATICK FROM THE METROPOLITAN WATER SYSTEM.

*Be it enacted, etc., as follows:*

Dug pond in Natick excluded from the metropolitan water system.

SECTION 1. The metropolitan water and sewerage board may close and terminate the existing connection between Lake Cochituate and Dug pond in the town of Natick, and transfer and release to the town of Natick all interest in and control over the waters of the said pond. Thereafter Dug pond shall not be used as a source of water supply by the metropolitan water district or by any city or town, nor shall it be allowed to overflow into Lake Cochituate or be connected with the water supply of said district or of

any city or town; and said pond shall be subject to the control and regulation of the park commissioners of the town of Natick, who are hereby authorized to impose penalties for the violation of any regulations made by them in respect to the said pond.

SECTION 2. This act shall take effect upon its passage.

*Approved April 9, 1909.*

AN ACT TO AUTHORIZE THE TREASURER OF THE COUNTY OF BRISTOL TO EMPLOY CLERICAL ASSISTANCE.

*Chap. 283*

*Be it enacted, etc., as follows:*

SECTION 1. The treasurer of the county of Bristol may employ clerical assistance in his office at an annual expense not exceeding twelve hundred and fifty dollars.

Clerical assistance to the treasurer of the county of Bristol.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

*Approved April 9, 1909.*

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO MAINTAIN A PUBLIC LANDING AT THE NORTHERN AVENUE BRIDGE.

*Chap. 284*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Boston is hereby authorized to erect and maintain a public boat landing in Boston harbor beyond the harbor line at the Northern avenue bridge, subject to the provisions of chapter ninety-six of the Revised Laws.

The city of Boston may maintain a certain public landing.

SECTION 2. This act shall take effect upon its passage.

*Approved April 9, 1909.*

AN ACT RELATIVE TO THE SCHOOL COMMITTEE OF THE TOWN OF ARLINGTON.

*Chap. 285*

*Be it enacted, etc., as follows:*

SECTION 1. The school committee of the town of Arlington shall hereafter consist of five members, to be elected by such persons as shall be qualified to vote for school committee in that town; but no person shall be eligible for election to the committee who is not an inhabitant of the town. The school committee shall serve without compensation, and their terms of office shall begin with the beginning of the municipal year following their election.

School committee of the town of Arlington, election, terms, etc.

At the annual town meeting next following the acceptance of this act, as hereinafter provided, two persons shall be elected as aforesaid, to hold office for three years, two for two years and one for one year; and thereafter at every annual town meeting there shall be elected for the term of three years so many persons as may be necessary to fill the places of the member or members of said committee whose term or terms are about to expire.

Vacancy, etc.

SECTION 2. If there is a failure to elect a school committee in the town, the selectmen shall in writing appoint such committee. If there is a vacancy in the school committee elected in accordance with the provisions of this act, arising from death, resignation or otherwise, the remaining member or members of said committee shall give notice thereof in writing to the selectmen, who, with the remaining member or members of such committee shall, after one week's notice, fill such vacancy by ballot. A majority of the ballots of the officers entitled to vote shall be necessary to such election. The person or persons appointed or elected shall perform the duties of the office until the next annual meeting or until others are chosen and qualified.

Terms of office of present school committee to cease, etc.

SECTION 3. Upon the organization of the school committee elected in accordance with the provisions of this act the terms of office of the members of the present school committee shall end, and their powers and duties shall cease. The school committee elected in accordance with the provisions of this act shall be the lawful successors of the present school committee, and shall have the powers and privileges and be subject to the duties and obligations set forth in all general laws now or hereafter in force relating to school committees of towns.

Repeal.

SECTION 4. So much of any act as is inconsistent herewith is hereby repealed.

Act to be submitted to voters at state election.

SECTION 5. This act shall be submitted to the voters of the town of Arlington at the annual state election in November, nineteen hundred and nine, and the form of the question to be placed upon the ballot shall be as follows:— Shall chapter \_\_\_\_\_ of the acts of the year nineteen hundred and nine, being "An Act relative to the school committee of the town of Arlington", be accepted? and if a majority of the voters voting thereon shall vote in the affirmative this act shall take effect.

SECTION 6. So much of this act as authorizes its submission to the voters of the said town shall take effect upon its passage, but it shall not take further effect until accepted by the voters of the town as herein provided.

When to take effect.

*Approved April 9, 1909.*

AN ACT TO PROVIDE PENALTIES FOR VIOLATING THE RULES  
RELATIVE TO THE USE OF THE LOCK AND DRAWBRIDGES  
OF THE CHARLES RIVER DAM.

*Chap. 286*

*Be it enacted, etc., as follows:*

SECTION 1. No person shall deface or injure any part of the Charles river dam or any wharf, wall or other structure or any mechanism connected therewith, or unnecessarily open any drawbridge or obstruct the passage of the same; nor shall any person, without the consent of the person in charge of the drawbridge, make fast to the dam or bridge or draw or guard or pier or any appurtenance thereof any vessel, scow, raft or float, or remain inside of the draw-gates or on any pier, wharf, fender or appurtenance of the draw while the gates are closed; nor shall any person having charge of a vessel passing through the draw of any such bridge refuse or neglect to comply with the directions of the person in charge relating to such passing.

Locks and drawbridges of the Charles river dam.

SECTION 2. Whoever violates any provision of section one hereof shall be punished by a fine not exceeding twenty dollars for each offence, and not only the person actually doing the prohibited thing, but also his employer and every other person concerned in so doing shall be punished by the said fine.

Penalty for violation of rules.

SECTION 3. No person shall violate any of the rules which may from time to time be issued by the war department of the United States governing the use of the lock of the Charles river dam, and no person shall permit or suffer any vessel, scow, raft or float to come in contact with either of the gates of the lock.

Violation of rules prohibited.

SECTION 4. Whoever violates any provision of section three of this act shall be punished by a fine not exceeding fifty dollars for each offence, and not only the person actually doing the prohibited thing, but also his employer and every other person concerned in so doing shall be punished by the said fine.

Further penalty.

*Approved April 9, 1909.*



**Chap.287** AN ACT RELATIVE TO THE TAKING OF DEPOSITS BY CERTAIN PERSONS, PARTNERSHIPS, ASSOCIATIONS OR CORPORATIONS.

*Be it enacted, etc., as follows:*

1905, 428, § 5,  
repealed.

SECTION 1. Section five of chapter four hundred and twenty-eight of the acts of the year nineteen hundred and five, as amended by section seven of chapter three hundred and seventy-seven of the acts of the year nineteen hundred and seven, is hereby repealed.

1906, 408, § 3,  
amended

SECTION 2. Chapter four hundred and eight of the acts of the year nineteen hundred and six is hereby amended by striking out section three and inserting in place thereof the following: — *Section 3.* Suit to recover on a bond required to be filed under the provisions of this act, or of any acts in amendment thereof or in addition thereto, may be brought by or upon the relation of any party aggrieved, in a court of competent jurisdiction.

Suit to recover  
on bond, etc.

*Approved April 9, 1909.*

**Chap.288** AN ACT TO AUTHORIZE THE UNION OF THE NORTH CONGREGATIONAL SOCIETY, THE FOURTH RELIGIOUS SOCIETY AND THE WHITEFIELD CONGREGATIONAL SOCIETY IN NEWBURYPORT.

*Be it enacted, etc., as follows:*

Certain  
religious  
societies in  
Newburyport  
may unite.

SECTION 1. Upon the acceptance of the provisions of this act by the North Congregational Society of Newburyport, Massachusetts, by vote of a majority of its members present and voting at a meeting called for the purpose, the Fourth Religious Society of Newburyport, Massachusetts, and the Whitefield Congregational Society of Newburyport, Massachusetts, are authorized, whenever the members of said two last mentioned corporations, by similar vote at meetings called for the purpose shall also accept this act, to unite under the terms of this act in one corporation with the North Congregational Society aforesaid; and, when such votes have been passed, certified copies thereof, sworn to by the respective clerks of said corporations and recorded in the registry of deeds for the southern district of the county of Essex shall be sufficient evidence of such union, and the union shall then be complete.

SECTION 2. Upon recording said votes the name of said North Congregational Society shall be changed to the Central Congregational Society of Newburyport, Massachusetts.

Name changed.

SECTION 3. Said Central Congregational Society shall have and enjoy all the franchises, powers, privileges, property and rights of every kind now belonging to the said Fourth Religious Society, the North Congregational Society, and the Whitefield Congregational Society and church, subject to the uses and trusts upon which the same are now held, and shall assume and be subject to all their present duties, debts and liabilities, and shall be subject to all general laws now or hereafter in force relating to religious corporations, and may sell any of the meeting houses or other property now belonging to the said last mentioned societies and church.

Franchises, powers, etc.

SECTION 4. The records and other books and papers of said Fourth Religious Society and of said Whitefield Congregational Society shall be the property of said Central Congregational Society for the term of two years, and shall then be deposited as required by law.

Records, etc.

SECTION 5. After said votes shall have been passed, the members of said Fourth Religious Society and of said Whitefield Congregational Society shall become members of said Central Congregational Society, and the present by-laws of the said North Congregational Society shall, so far as they are consistent with the laws of the commonwealth, and subject to the provisions of this act, remain in force and be the by-laws of said Central Congregational Society until new by-laws are adopted in place thereof.

Membership, by-laws, etc.

SECTION 6. The churches affiliated with said Fourth Religious Society and said Whitefield Congregational Society are hereby authorized to unite with the church affiliated with said Central Congregational Society whenever the members of said churches by a majority vote of those present and voting at meetings called for the purpose shall so vote, and when such votes have been passed the said churches shall become part of and be merged in the church affiliated with said Central Congregational Society, with all the privileges of members thereof.

Union of the different societies.

SECTION 7. All the property, whether real or personal, belonging to the said Fourth Religious Society and the said Whitefield Congregational Society, and all the prop-

Certain property to vest in the Central Congregational Society.

erty held in trust by the said churches, by the deacons of said churches, by the pastor and deacons of said churches or by the standing committee or trustees of said churches affiliated as aforesaid, respectively, shall be vested in the pastor and deacons, or in the standing committee or trustees, as the case may be, of the church affiliated with said Central Congregational Society, to be held upon the same or as nearly as possible upon the same trusts upon which said trust property is now held. In case of doubt as to the precise manner in which said trust property or the income thereof shall be divided, the matter may be determined by the supreme judicial court upon application of any person interested, or of the attorney-general, and, until the court shall otherwise order, said trust property and the income thereof shall be applied in accordance with the terms of the original trust, or as nearly as possible therewith, by the pastor and deacons or by the standing committee of said church affiliated with said Central Congregational Society, as the case may be.

Gifts, grants,  
etc.

SECTION 8. All gifts, grants, bequests and devises heretofore or hereafter made to or for the benefit of the said Fourth Religious Society, said North Congregational Society, said Whitefield Congregational Society, said Central Congregational Society, or to their respective churches or officers affiliated with them, shall vest in the said Central Congregational Society or in the church or officers affiliated with the last named, as the case may be.

Conveyance  
of certain  
property.

SECTION 9. The proprietors of the North Congregational Society may by a majority vote convey all its property to the said Central Congregational Society of Newburyport.

Damages.

SECTION 10. Any person aggrieved by the provisions of this act may, at any time within six months after the recording of the copies of the votes above provided for, apply by petition to the superior court for the county of Essex to have his damages determined by a jury therein, or by, or under the direction of, said court; and all damages so awarded, with the costs of suit allowed by statute in civil cases attending such award, shall be paid by the said Central Congregational Society.

When existing  
societies shall  
be dissolved.

SECTION 11. Six months after the recording of said votes said Fourth Religious Society and said Whitefield

Society and their affiliated churches shall cease to exist and be dissolved.

SECTION 12. This act shall take effect upon its passage.

*Approved April 9, 1909.*

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AN ACT RELATIVE TO THE SPRINKLING OF STREETS WITH Chap.289  
WATER AND OTHER LIQUIDS AND MATERIALS.

*Be it enacted, etc., as follows:*

SECTION 1. Any city or town may sprinkle or spread upon its public ways, or parts thereof, water or any liquid or material suitable for laying or preventing dust and preserving the surface thereof, and for sanitary purposes, and all statutes providing for watering such public ways shall apply to the use of such liquids and materials, including the appropriation of money, the expenditure thereof at the expense of the city or of the abutters, the assessment upon abutting estates, and the collection of such assessments and proceedings therefor.

Streets, etc., may be sprinkled with water and other liquids, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved April 12, 1909.*

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AN ACT TO AUTHORIZE THE TOWN OF MANSFIELD TO CON- Chap.290  
STRUCT AND MAINTAIN A SYSTEM OF SEWERAGE AND  
SEWAGE DISPOSAL.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Mansfield is hereby authorized to lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or the whole of its territory, with such connections and other works as may be required for a system of sewage disposal; and, for the purpose of providing better surface or other drainage, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best. For the purposes aforesaid the town may within its limits, deepen, widen and clear of obstruction any brook, stream or water course, and may straighten or alter the channels or divert the waters thereof, and may lay, make and maintain sub-drains, and, with the approval of the state board of health, discharge the water into any brook, stream or water course within the town.

Town of Mansfield may construct a system of sewerage.

Sewer commissioners,  
election,  
terms, etc.

SECTION 2. The town shall elect a board of three commissioners, to be called sewer commissioners, who shall be citizens and residents of the town and shall be elected by ballot at an annual meeting of the town, one commissioner to hold office for one year, one for two years and one for three years, respectively, from the date of the annual town meeting at which he is elected, and until his successor is elected and qualified; and at each annual town meeting thereafter the town shall elect one member of the board to serve for three years or until his successor is elected and qualified. If a vacancy occurs in the board the town may at a meeting called for the purpose elect a person qualified as aforesaid to fill the vacancy.

Vacancy.

May take, etc.,  
lands, water  
rights, etc.

SECTION 3. Said board of commissioners, acting in behalf of the town, shall have power to take, or acquire by purchase or otherwise, any lands in fee and any water rights, rights of way and easements in said town, public or private, necessary for any of the purposes mentioned in this act, and may construct within the town such main drains and sewers under or over any water course, bridge, aqueduct, conduit, railroad, railway or way, or within the location of any railroad or railway, and may enter upon and dig up any private land, street or way, or railroad or railway location, for the purpose of laying such main drains and sewers, and of maintaining and repairing the same, and may do any other thing necessary or proper for the purposes of this act: *provided, however*, that said commissioners shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drains or sewers within the location of any railroad corporation, except at such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the board of railroad commissioners.

Proviso.

Description  
of lands to be  
recorded, etc.

SECTION 4. Said board, in order to take any lands in fee, water rights, rights of way or easements otherwise than by purchase or agreement, shall cause to be recorded in the registry of deeds for the county of Bristol a statement signed by a majority of the board, containing a description thereof as certain as is required in a conveyance of land, and specifying that the same are taken under authority of this act; and upon such recording the title to the lands, water rights, rights of way or easements



described in such statement shall vest in the town of Mansfield, which shall pay all damages therefor and all other damages sustained by any person or corporation through any action of said board under this act. Said board at the time of such taking shall notify the owners thereof in writing, and may agree with any person or corporation injured hereunder, upon the damages sustained by such person or corporation; and if the damages are not agreed upon, a jury in the superior court for said county may be had to determine the same, upon petition of either party, in the manner provided by law for determining the damages for land taken for the laying out of highways; but in the case of a taking no suit or petition shall be brought after the expiration of two years from the date of the recording of the taking as herein provided; and in all other cases no suit or petition shall be brought after the expiration of two years from the time when the cause of action accrues.

Damages.

SECTION 5. In every case of a petition for the assessment of damages or for a jury the town may at any time file in the office of the clerk of the court an offer in writing to pay the petitioner a sum therein specified as damages; and if the petitioner does not accept the same within thirty days after notice of such offer, and does not finally recover a sum greater than that offered, not including interest from the date of the offer on the sum so recovered, the town shall recover costs from the date of such notice, and the petitioner shall be entitled to costs only to such date.

Town may offer specified sum as damages.

SECTION 6. The town of Mansfield shall by vote determine what proportion of the cost of said system or systems of sewerage and sewage disposal said town shall pay: *provided*, that it shall not pay less than one third nor more than one half of the whole cost. The remaining cost of said systems shall be borne by the owners of estates situated within the territory embraced by them and benefited thereby, but no estate shall be deemed to be benefited until a sewer is constructed into which it can be drained. The owners of such estates shall be assessed by said commissioners their proportional parts, respectively, of such portion of the total cost of said systems as is not borne by the town as above provided. The said board of sewer commissioners shall determine the

Town to pay certain proportion of cost.

Proviso.

Payment of assessments, etc.

value of the special benefit to each of the said estates, respectively, from the said system of sewers, taking into account all the circumstances of the case, and the proportionate part to be paid by the owners of the said estates, respectively, shall be based upon the amount of the special benefit to each estate, determined as aforesaid; and every such owner shall, within three months after written notice of such assessment, served on him or on the occupants of his estate, or sent by mail to the last address of said owner known to said commissioners, pay the sum so assessed to the collector of taxes of said town; *provided*, that said board shall on the written request of any such owner, made within said three months, apportion such assessment into four equal parts or instalments; and said board shall certify such apportionment to the assessors of the town, and one of said parts or instalments, with interest from the date of the apportionment at the rate of six per cent per annum, shall be added by the assessors to the annual tax on such estates for each year next ensuing, until all said parts have so been added, unless sooner paid as hereinafter provided, and *provided, further*, that nothing herein contained shall be construed to prevent the payment at any time in one payment, notwithstanding its prior apportionment, of any balance of said assessments then remaining unpaid, but interest on such balance at the rate of six per cent per annum shall be paid to the date of such payment; and thereupon the collector of taxes of said town shall receive the same and shall certify such payment or payments to the assessors, who shall preserve a record thereof. In cases of corner lots and lots abutting on more than one sewer street the same area shall not be assessed more than once.

Provisos.

Assessment to constitute a lien upon estate, etc.

SECTION 7. An assessment made under the provisions of section six shall constitute a lien upon the estate, which shall continue for three years after it is made and notice served as above provided, or, in case of apportionment, until the expiration of two years from the time when the last instalment is committed to the collector of taxes; and said assessment, if not paid within three months after service of said notice, or, if apportioned, within three months after any part has become due, may, together with interest thereon at the rate of six per cent per annum, with incidental costs and expenses, be levied by the col-

lector by sale of such estate, or so much thereof as shall be sufficient to discharge the assessment and interest and intervening charges. Such sale and all proceedings connected therewith shall be conducted in the same manner as sales for the non-payment of taxes; and real estate so sold may be redeemed the same as if sold for the non-payment of taxes, and in the same manner. Such assessments or parts thereof may also be collected by an action of contract in the name of the town of Mansfield against the owner of the estate, brought at any time within three years after the same have become due.

SECTION 8. Any person aggrieved by such assessment may at any time within three months after service of the notice mentioned in section six of this act apply to the superior court of said county for a jury to revise the same, but before making such application he shall give fourteen days' notice in writing of his intention so to do to the said commissioners, and shall therein particularly specify his objection to the assessment, to which specification he shall be confined before the jury.

Person  
aggrieved  
may apply  
for a jury, etc.

SECTION 9. The town of Mansfield, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness to an amount not exceeding one hundred thousand dollars, and may issue from time to time therefor bonds or notes; and the debt and loan authorized by this act and the bonds or notes issued therefor shall not be reckoned in determining the statutory limit of indebtedness of the town. Such bonds or notes shall bear on their face the words, Mansfield Sewerage Loan, Act of 1909, shall be payable within periods not exceeding thirty years from the dates of issue, and shall bear interest payable semi-annually at a rate not exceeding four per cent per annum. They shall be signed by the treasurer of the town and countersigned by a majority of the selectmen. The town may from time to time sell such securities, or any part thereof, at public or private sale, provided they shall not be sold for less than the par value thereof. The proceeds thereof shall be retained in the treasury and the treasurer shall, upon the order of said board of commissioners, pay therefrom the expenses incurred for the purposes aforesaid.

Mansfield  
Sewerage  
Loan, Act of  
1909.

SECTION 10. The town shall at the time of authorizing the said loan provide for the payment thereof in such

Payment of  
loan.

annual payments as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed the amount required thereby, less the amount that may be appropriated therefor as provided in the following section, shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed, until the debt incurred by the town is extinguished.

Payment of  
expenses, etc.

SECTION 11. The receipts from sewer assessments and from payments made in lieu thereof, and the premiums, if any, received from the sale of bonds or notes issued under authority of this act, shall be applied by the board of sewer commissioners to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage, or to the extension thereof, except that the town may apply any part of such receipts to the payment of the interest upon bonds or notes issued under authority of this act and not otherwise provided for, or to the payment or redemption of such bonds or notes, as the town shall by vote determine, and the said receipts shall be used for no other purpose. If such receipts shall not in any year be sufficient for the purposes aforesaid the town shall raise forthwith by taxation, in the same manner in which money is raised and appropriated for other town purposes, the balance required therefor.

Clerk and  
superintendent,  
appointment, etc.

SECTION 12. Said board of commissioners shall annually appoint a clerk, and may appoint a superintendent of sewers, and may remove said clerk or superintendent at its pleasure. The compensation of the commissioners shall be fixed by the town.

Contracts.

SECTION 13. All contracts made by said board of commissioners shall be made in the name of the town and shall be signed by the board; but no contract shall be made or obligation incurred by the commissioners for any purpose in excess of the amount of money appropriated by the town therefor.

Rules and  
regulations.

SECTION 14. Said commissioners may from time to time prescribe rules and regulations for the connecting of estates and buildings with main drains and sewers, and for the inspection of the materials, the construction, alteration and use of all connections and drains entering into such main drain or sewers, and may impose penalties

not exceeding twenty dollars for each violation of any such rule or regulation. Such rules or regulations shall be published not less than once a week for three successive weeks in some newspaper published in the town of Mansfield, if there be any, and if not, then in some newspaper published in the county of Bristol, and shall not take effect until such publication has been made.

SECTION 15. No act shall be done under authority of the preceding sections until the plans for said system of sewerage have been approved by the state board of health. Upon application to said board for such approval the board shall give a hearing, after due notice to the public. At such hearing plans, showing in detail all the work to be done in constructing said system of sewerage, shall be submitted for the approval of the state board of health.

Plans to be approved by state board of health.

SECTION 16. Until said board of commissioners shall have been elected as provided in this act, the town may carry on the construction of its system of sewerage by a duly authorized committee of the town, but for a period not longer than until the annual meeting next but one after the commencement of said work of construction. Said committee shall serve without pay, and shall have all the powers and authority given to the board of sewer commissioners in this act or by the general laws relating to boards of sewer commissioners.

Town may commence construction.

SECTION 17. This act shall take effect upon its passage, but no expenditure shall be made and no liability incurred hereunder until this act has been accepted by vote of a majority of the voters of said town voting thereon at a legal meeting called for the purpose.

When to take effect.

*Approved April 12, 1909.*

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AN ACT TO PROHIBIT THE TAKING OF FISH BY MEANS OF TORCHES OR OTHER ARTIFICIAL LIGHT WITHIN THE WATERS IN AND ABOUT NAHANT BAY, BEVERLY HARBOR AND SALEM BAY.

*Chap. 291*

*Be it enacted, etc., as follows:*

SECTION 1. It shall be unlawful for any person to display torches or other light designed or used for the purpose of taking herring or other fish, in Nahant bay, Beverly harbor, Salem bay, or in the vicinity or in any inlet therein, or in any waters westerly and northwesterly

Taking of fish by means of torches, etc., in certain waters prohibited.



Proviso.

of a line drawn from East Point, Nahant, to Egg Rock, to Ram island, to Tinker's island, to Lowell island, to Baker's island, to the eastern end of Great Misery island, then to the southern point of Gale's Head, Manchester, including Manchester harbor and Bass river, Beverly, and its tributaries: *provided, however*, that the boards of health of the cities of Beverly and Salem and of the towns of Danvers, Manchester and Marblehead may grant permits for the display of torches or other light for the purpose aforesaid, within the limits of their respective cities and towns during the months of October to April, inclusive, of any year, with such restrictions as in their judgment will prevent the same from constituting a nuisance; and they may at any time revoke any such permit.

Penalty.

SECTION 2. Whoever violates any provision of this act shall, for a first offence, be punished by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not less than six months nor more than twelve months, or by both such fine and imprisonment; and for a second offence, by both such fine and imprisonment.

*Approved April 12, 1909.*

**Chap. 292** AN ACT TO PROVIDE FOR REIMBURSING CITIES AND TOWNS FOR MEDICAL ATTENDANCE OR TREATMENT FURNISHED TO PAUPERS.

*Be it enacted, etc., as follows:*

Cities and towns may be reimbursed for medical attendance furnished to paupers, etc.

SECTION 1. Reasonable compensation for medical attendance or treatment furnished by a city or town under the provisions of chapter eighty-one or chapter eighty-five of the Revised Laws may be included in the expenses to be paid to such city or town by any other city or town, or by the commonwealth; although such attendance or treatment was by a city or town physician whose compensation is by a fixed or annual salary. Such reimbursement shall not exceed the proportionate cost to the city or town furnishing the attendance or treatment, based upon the total number of visits annually made in relation to the total fixed or annual salary of the physician for all services rendered by him in his official capacity.

SECTION 2. This act shall take effect upon its passage.

*Approved April 12, 1909.*

AN ACT TO AUTHORIZE THE CITY OF PITTSFIELD TO INCUR  
ADDITIONAL INDEBTEDNESS FOR THE IMPROVEMENT OF  
ITS WATER WORKS. Chap. 293

*Be it enacted, etc., as follows:*

SECTION 1. The city of Pittsfield, for the purposes mentioned in chapter one hundred and eighty-five of the acts of the year eighteen hundred and ninety-two and acts in amendment thereof or in addition thereto, and in chapter five hundred and fourteen of the acts of the year nineteen hundred and seven, may issue from time to time bonds, notes or scrip to an amount not exceeding one hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by said city for water works purposes. Such bonds, notes or scrip shall bear on their face the words, Pittsfield Water Loan, Act of 1909; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum; and shall be signed by the treasurer and countersigned by the mayor of said city. Said city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof. Said city may authorize temporary loans, at a rate not exceeding five per cent per annum, to be made by its mayor and treasurer in anticipation of the bonds hereby authorized.

Pittsfield  
Water Loan,  
Act of 1909.

Proviso.

SECTION 2. Said city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of any of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said city, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of said city in

Payment of  
loan.

each year thereafter, in a manner similar to that in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished.

SECTION 3. This act shall take effect upon its passage.

*Approved April 12, 1909.*

**Chap. 294** AN ACT RELATIVE TO CERTAIN FRATERNAL BENEFICIARY CORPORATIONS.

*Be it enacted, etc., as follows:*

1904, 155, § 1,  
amended.

SECTION 1. Section one of chapter one hundred and fifty-five of the acts of the year nineteen hundred and four is hereby amended by striking out the fifth line and the word "fraternity", in the sixth line, by inserting after the word "act", in the seventh line, the words:— by a two thirds vote of its policy or certificate holders voting thereon, — by inserting after the word "purpose", in the eighth line, the words:— of which meeting written or printed notice shall be mailed to each policy or certificate holder at least thirty days before the day fixed for the meeting, — by inserting after the word "of", in the eleventh line, the words:— death or, — and by adding at the end of said section the words:— The members of such corporations may vote on this proposition by proxy if the instrument appointing the proxy is filed with the secretary of the corporation at least five days before said meeting, and the aforesaid notice to the policy or certificate holders shall so state, — so as to read as follows:—

Certain corporations may carry on the business of assessment insurance, etc.

*Section 1.* Any domestic corporation now doing business under the provisions of chapter one hundred and nineteen of the Revised Laws and acts amendatory thereof, whether originally incorporated under such act or not, may at any time within seven years after the date of the approval of this act, by a two thirds vote of its policy or certificate holders voting thereon, at a meeting called for the purpose, of which meeting written or printed notice shall be mailed to each policy or certificate holder at least thirty days before the day fixed for the meeting, adopt its provisions, and may thereafter carry on the business defined in section one of chapter one hundred and twenty of the Revised Laws, and may, in addition thereto, provide for the payment of death or funeral benefits, not exceeding

one hundred dollars, in case of the death of the assured by sickness, and shall thereafter conduct such business under the provisions of said chapter one hundred and twenty, as modified by this act, and shall be deemed an assessment insurance company. The members of such corporations may vote on this proposition by proxy if the instrument appointing the proxy is filed with the secretary of the corporation at least five days before said meeting, and the aforesaid notice to the policy or certificate holders shall so state.

SECTION 2. This act shall take effect upon its passage.

*Approved April 12, 1909.*

AN ACT RELATIVE TO AIDING DISCHARGED PRISONERS.

*Chap.295*

*Be it enacted, etc., as follows:*

The amounts now authorized to be expended for aiding discharged prisoners under sections one hundred and thirty-six and one hundred and thirty-seven of chapter two hundred and twenty-five of the Revised Laws, and acts in amendment thereof, may be applied to the assistance of any prisoners released from the state prison, the Massachusetts reformatory, the reformatory prison for women, or the prison camp and hospital.

Aiding  
discharged  
prisoners.

*Approved April 12, 1909.*

AN ACT TO AUTHORIZE THE CITY OF MEDFORD TO MAKE  
AN ADDITIONAL LOAN FOR CONSTRUCTING SEWERS.

*Chap.296*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Medford, for the purpose of paying the expenses and liabilities incurred or to be incurred for sewerage purposes under chapter one hundred and eighty of the acts of the year eighteen hundred and ninety-three, may issue from time to time bonds, notes or scrip to an amount not exceeding fifty thousand dollars in addition to the amount authorized to be issued by said chapter, and the same shall not be reckoned in determining the statutory limit of indebtedness of the city. Such bonds, notes or scrip shall bear on their face the words, Medford Sewerage Loan, Act of 1909, shall be payable within such periods not exceeding thirty years from the

Medford  
Sewerage  
Loan, Act of  
1909.

dates of issue, and shall bear interest payable semi-annually at such rate, not exceeding four per cent per annum, as the mayor and aldermen of the city may determine. The said securities shall be signed by the mayor and the treasurer of the city, and countersigned by the auditor, and the city may sell the same or any part thereof at public or private sale, but they shall not be sold for less than their par value. The proceeds shall be retained in the treasury and the treasurer shall pay therefrom the expenses incurred or to be incurred under authority of said chapter one hundred and eighty, but any premiums received on the sale thereof shall be paid over to the commissioners of sinking funds, to be used in payment of the loan authorized hereby.

Payment of  
loan, etc.

SECTION 2. The receipts from annual rates, assessments, and payments made in lieu thereof, collected under authority of said chapter one hundred and eighty shall, after deducting all charges and expenses incident to the maintenance and operation of the sewers, be applied, first, to the payment of interest upon the securities issued under authority hereof, and of said chapter one hundred and eighty, and the remainder shall be set apart, as provided in section twelve of chapter twenty-seven of the Revised Laws, to meet the requirements of the sinking fund for the payment of the said securities. If the surplus net income collected as aforesaid shall in any year be insufficient to pay the interest on said securities and to meet the requirements of law as to said sinking fund, then the city, to meet the deficiency, shall raise forthwith by taxation, in the same manner in which money is appropriated and assessed for other city purposes, such sum as may be required for that purpose. The said sinking fund shall be used for no other purpose than the payment of the loans contracted under authority of said chapter one hundred and eighty or of this act. If in any year said surplus net income shall be in excess of the sum necessary to pay the interest upon said securities, and the requirements of the sinking fund for that year, the surplus shall be retained in the treasury, and the treasurer shall pay therefrom the expenses incurred under authority of said chapter one hundred and eighty. So much of section ten of said chapter as is inconsistent with the provisions of this section is hereby repealed.

Repeal.



SECTION 3. The costs and expenses incurred by the city under authority of chapter one hundred and sixty-two of the acts of the year eighteen hundred and ninety-four, except for construction of walks or ways, may be paid by appropriations from the proceeds of the sale of any securities issued under authority hereof.

Payment of costs and expenses.

SECTION 4. This act shall take effect upon its passage.

*Approved April 12, 1909.*

AN ACT RELATIVE TO THE ORDER OF PAYMENT OF DEBTS OF INSOLVENT ESTATES OF DECEASED PERSONS.

*Chap.297*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter one hundred and forty-two of the Revised Laws is hereby amended by inserting after the thirteenth line the following new paragraph: —

R. L. 142, § 1, amended.

Fourth, Debts, to an amount not exceeding one hundred dollars, for necessities furnished to such deceased person or his family within the six months last preceding his death, or for such necessities so furnished for the recovery of payment for which a judgment has been rendered.

Order of payment of debts.

Said section is further amended by striking out the word "Fourth", in the fourteenth line, and inserting in place thereof, the word: — Fifth.

SECTION 2. This act shall take effect on the first day of July, nineteen hundred and nine.

When to take effect.

*Approved April 14, 1909.*

AN ACT RELATIVE TO THE APPOINTMENT OF MECHANICS IN BATTERIES OF FIELD ARTILLERY OF THE MILITIA.

*Chap.298*

*Be it enacted, etc., as follows:*

SECTION 1. There shall annually be allowed and paid to each battery of field artillery the sum of eight hundred dollars for the employment of a competent mechanic who shall be appointed by the battery commander and approved by the quartermaster general, and who shall be regularly enlisted in the battery. The said mechanic shall devote his time and labor exclusively to the care of the artillery equipment and material of the battery, except however that he may be required by the quartermaster general to perform without further compensation the du-

Appointment of mechanics in batteries of field artillery of the militia.

ties of assistant armorer in the quarters occupied by the battery.

SECTION 2. This act shall take effect upon its passage.  
*Approved April 14, 1909.*

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**Chap.299** AN ACT TO AUTHORIZE THE GRANTING OF A RIGHT OF WAY  
OVER LAND ADJOINING THE ARMORY IN THE CITY OF  
SPRINGFIELD.

*Be it enacted, etc., as follows:*

Right of way  
over land  
adjoining the  
armory in  
Springfield.

SECTION 1. The governor is hereby authorized to execute deeds or other necessary instruments granting a right of way over the parcel of vacant land adjoining the armory in the city of Springfield, extending from Howard street to the rear end of the armory lot, and belonging to the commonwealth, to the owners or occupants of the strip of land adjoining the same, on condition that a similar right of way over the said adjoining strip is granted to the commonwealth.

SECTION 2. This act shall take effect upon its passage.  
*Approved April 14, 1909.*

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**Chap.300** AN ACT TO PROVIDE FOR THE PARTICIPATION OF RIFLE  
TEAMS OF THE MILITIA IN RIFLE CONTESTS.

*Be it enacted, etc., as follows:*

Rifle teams to  
participate in  
contests.

SECTION 1. The commander-in-chief is hereby authorized to send a rifle team composed of members of the Massachusetts volunteer militia to take part in the annual competitions in rifle shooting for national and other trophies held in the United States. For this purpose such sums as may be necessary may be expended annually, under the direction of the adjutant general, from the appropriations for rifle practice.

SECTION 2. This act shall take effect upon its passage.  
*Approved April 14, 1909.*

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**Chap.301** AN ACT RELATIVE TO THE PRACTICE OF DENTISTRY.

*Be it enacted, etc., as follows:*

R. L. 76, § 28,  
etc., amended.

Section twenty-eight of chapter seventy-six of the Revised Laws, as amended by chapter two hundred and

eighty-nine of the acts of the year nineteen hundred and five and by section two of chapter two hundred and ninety-four of the acts of the year nineteen hundred and eight, is hereby further amended by striking out the said section and inserting in place thereof the following: — *Section 28.* Whoever falsely claims or pretends to have or hold a certificate granted by said board, or falsely and with the intent to deceive, claims or pretends to be a graduate of any incorporated dental college, or who practises dentistry without obtaining a certificate as provided in section twenty-six of this act, or who having such certificate fails to exhibit the same as required by section twenty-six, shall be punished by a fine of not less than fifty, nor more than one hundred dollars or by imprisonment for three months. Any person who owns or carries on a dental practice or business, or who by himself, by his servants or agents, or by contract with others shall perform any operation on or make examination of, with the intent of performing or causing to be performed, any operation on, the human teeth or jaws, or who shall describe himself by the word or letters "Dentist", "D. D. S.", or other words, letters, or title in connection with his name, or who shall advertise by sign, card, circular, pamphlet or newspaper, or otherwise indicate that he by contract with others, or by himself, his servants or agents, will perform any operation on or make examination of, with the intention of performing or causing to be performed, any operation on, the human teeth or jaws, shall be deemed to be practising dentistry within the meaning of this act, and unless duly authorized thereto by obtaining a certificate as provided in section twenty-six, shall be liable to punishment as above provided, and whoever in practising dentistry as above defined owns and carries on a dental practice or business, and fails to exhibit his name as required by section twenty-six, shall for each offence be liable to punishment as above provided. The word "person", in this act shall include a corporation; and any corporation violating any provision of this act shall be liable to a fine as herein provided, and the officers of the corporation concerned in the said violation shall be liable to fine and imprisonment as above provided.

Penalty for  
illegally acting  
as a dentist,  
etc.

*Approved April 14, 1909.*

**Chap.302** AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT AGENTS  
OF THE MASSACHUSETTS SOCIETY FOR THE PREVENTION  
OF CRUELTY TO ANIMALS AS SPECIAL POLICE OFFICERS.

*Be it enacted, etc., as follows:*

Agents of the  
Massachusetts  
Society for the  
Prevention of  
Cruelty to  
Animals may  
be appointed  
special police  
officers, etc.

SECTION 1. The governor may from time to time appoint agents, not exceeding five in number, of the Massachusetts Society for the Prevention of Cruelty to Animals, as special police officers for a term of one year, who shall be subject to removal at any time by the governor, shall serve without pay, shall receive no fees, and shall have throughout the commonwealth the powers of constables and of police officers, without the power to serve civil process, but this act shall give the officers appointed under it no authority to arrest without a warrant.

SECTION 2. This act shall take effect upon its passage.

*Approved April 14, 1909.*

**Chap.303** AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE  
REFORMATORY PRISON FOR WOMEN.

*Be it enacted, etc., as follows:*

Salary of clerk  
of reformatory  
prison for  
women.  
When to take  
effect.

SECTION 1. The annual salary of the clerk of the reformatory prison for women shall be one thousand dollars.

SECTION 2. This act shall take effect on the first day of May in the current year.

*Approved April 14, 1909.*

**Chap.304** AN ACT TO AUTHORIZE THE CONSTRUCTION OF PUBLIC  
LANDING PLACES IN THE CITY OF QUINCY.

*Be it enacted, etc., as follows:*

Public boat  
landings may  
be constructed  
in Quincy  
harbor, etc.

SECTION 1. Subject to the provisions of chapter ninety-six of the Revised Laws, and of acts in amendment thereof, the city council of the city of Quincy, with the approval of the mayor, is hereby authorized to construct and maintain public boat landings in Quincy harbor at the easterly end of Bay View avenue in that part of Quincy called Hough's Neck, or at such other point or points in the said city as the city council and mayor may select, and to make regulations for the use of the said boat landings, and to discontinue the same or any one thereof.

SECTION 2. All provisions of law in regard to the laying out, altering or discontinuing of town ways which apply to the city of Quincy shall apply to the laying out, altering or discontinuance of public boat landings laid out under the provisions hereof.

Certain provisions of law to apply.

SECTION 3. This act shall take effect upon its passage.

*Approved April 15, 1909.*

AN ACT TO AUTHORIZE THE CITY OF NORTH ADAMS TO  
REFUND A PART OF ITS INDEBTEDNESS.

*Chap. 305*

*Be it enacted, etc., as follows:*

SECTION 1. The city of North Adams is hereby authorized to extend, renew or refund a part of its indebtedness incurred since the twenty-eighth day of February in the year eighteen hundred and ninety-nine, and for that purpose, by order of its city council, to issue bonds or notes to an amount not exceeding one hundred and fifty thousand dollars, signed by its treasurer and countersigned by its mayor. Such bonds or notes shall be made payable in sums not less than five thousand dollars in each year hereafter until and including the year nineteen hundred and fifteen, and in sums not less than ten thousand dollars in each year thereafter until and including the year nineteen hundred and twenty-seven. The said securities shall be issued at the following times, to wit: — not more than thirty thousand dollars thereof during the year nineteen hundred and nine, not more than twenty-five thousand dollars thereof during each of the years nineteen hundred and ten and nineteen hundred and eleven, not more than twenty thousand dollars thereof during the year nineteen hundred and twelve, not more than fifteen thousand dollars thereof during each of the years nineteen hundred and thirteen and nineteen hundred and fourteen, and not more than ten thousand dollars thereof during each of the years nineteen hundred and fifteen and nineteen hundred and sixteen.

City of North Adams may issue bonds, etc.

SECTION 2. The city shall not be obliged to establish a sinking fund for the payment of any bonds or notes issued under this act. All bonds and notes issued hereunder shall, after they are issued, be reckoned in ascertaining the statutory limit of indebtedness of the city.

To be included within the debt limit, etc.

SECTION 3. This act shall take effect upon its passage.

*Approved April 15, 1909.*



**Chap.306** AN ACT TO CONFIRM THE ACTS OF HENRY M. PARKER AS TOWN CLERK OF THE TOWN OF BARNSTABLE.

*Be it enacted, etc., as follows:*

Certain acts of the town clerk of Barnstable confirmed.

SECTION 1. The acts required by law to be performed by Henry M. Parker, as assistant town clerk and as town clerk of the town of Barnstable, from September seventeen, nineteen hundred and three, to March second, nineteen hundred and eight, shall be deemed to have been performed by him, and no act performed by him during the said period shall be invalid on account of any delay, error or informality in performing the same.

SECTION 2. This act shall take effect upon its passage.

*Approved April 15, 1909.*

**Chap.307** AN ACT TO AUTHORIZE THE CITY OF SOMERVILLE TO CONSTRUCT BRIDGES OVER THE RAILROAD TRACKS AT LOWELL STREET IN THAT CITY.

*Be it enacted, etc., as follows:*

The city of Somerville may construct a bridge, etc., over the tracks of the Boston and Lowell Railroad Corporation, etc.

SECTION 1. The city of Somerville is hereby authorized, within five years after the passage of this act, to construct a bridge or bridges, not exceeding forty-five feet in width, and approaches thereto, over all the railroad tracks of the Boston and Lowell Railroad Corporation now leased to the Boston and Maine Railroad, in continuation of the public way known as Lowell street in said city. Before said bridges and approaches are constructed the approval of the board of railroad commissioners shall be obtained.

May take lands, etc.

SECTION 2. For the purpose of carrying out the provisions of this act the city may take lands and rights in lands in the manner provided by law for the laying out of public ways in said city, and may take an easement in lands adjoining the location of said approaches, consisting of a right to have the land of the location protected by having the surface of such adjoining lands slope from the boundary of said location.

Damages.

SECTION 3. Any person entitled by law to damages for the taking of or injury to property under the authority of this act may have the same determined by a jury in

the superior court for the county of Middlesex, on petition therefor filed within one year after the taking, in the same manner, so far as may be practicable, as that in which damages are determined for the taking of land for highways in said city.

SECTION 4. The city may, at any time within one year after the completion of the work authorized by this act, assess upon any lands the amount of betterments accruing thereto by reason of the construction of said bridges and approaches, and the provisions of law relating to the assessment of betterments in the laying out of public ways in said city shall, so far as the same are applicable, apply to such assessments.

Assessment of betterments.

SECTION 5. The Boston and Lowell Railroad Corporation, Boston and Maine Railroad, lessee, shall, upon the completion of said bridges, pay to said city the sum of fifteen thousand dollars, and said railroad corporation shall not otherwise be liable for any expense of constructing said bridges or for land damages in connection with the work herein authorized or for any future charges and expenses for maintaining and keeping said bridges and approaches in repair, nor shall said railroad corporations be entitled to damages under the provisions of this act or liable to any assessment for betterments.

Railroad corporation to pay a certain sum, etc.

SECTION 6. For the purpose of paying in whole or in part the cost of said bridges and approaches, and all expenses incidental thereto, the city of Somerville may from time to time issue bonds to an amount not exceeding forty thousand dollars and designated on the face thereof, Lowell Street Bridge Loan. Such bonds shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be payable at such time or times, not more than forty years from their respective dates, as shall be determined by said city by vote of its city council and as shall be expressed upon the face of the bonds.

Lowell Street Bridge Loan.

SECTION 7. The city at the time of authorizing said loan shall provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act, and when such provision has been made the amount required therefor shall without further vote annually be assessed by the assessors of the

Payment of loan.

city, in the same manner in which other taxes are assessed, until the said debt is extinguished.

SECTION 8. This act shall take effect upon its passage.

*Approved April 16, 1909.*

**Chap. 308** AN ACT RELATIVE TO THE INCORPORATION OF THE BOSTON FIREMEN'S RELIEF FUND.

*Be it enacted, etc., as follows:*

The Boston Firemen's Relief Fund incorporated.

SECTION 1. The fire commissioner of the city of Boston for the time being and his successors in office, and twelve members of the fire department of the city of Boston, to be chosen as hereinafter provided, and their successors, shall constitute a body corporate for the purpose of receiving and holding all sums of money, and real and personal estate not exceeding in the aggregate four hundred thousand dollars, which may be given, granted, bequeathed or devised to it for the benefit of members of the Boston fire department and members of the Boston protective department or their families requiring assistance, or for the benefit of any persons, or the families of any persons, who have been such members, and who require assistance. The property so held and the corporation hereby created shall be known as The Boston Firemen's Relief Fund. The said corporation shall have authority to manage and dispose of the said fund and the income thereof according to its discretion, subject to the provisions of any trusts which may be created for the purpose aforesaid. Said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force relating to similar corporations: *provided*, that said corporation shall not be subject to the laws relating to life or accident insurance companies or to the laws relating to fraternal beneficiary societies; and, *provided, further*, that it shall not be summoned as trustee in any action or process against any person or persons who may hereafter be entitled to assistance from said corporation.

Powers and duties.

Provisos.

Members, election, etc.

SECTION 2. The twelve members of the fire department of the city of Boston mentioned in section one shall be chosen annually by ballot by the members of said department on the second Monday of September in each year.

The members of the body corporate at present holding the Boston Firemen's Relief Fund shall make regulations for the conduct of the first election to be held hereunder; and thereafter the corporation hereby created shall prescribe by by-law the manner of conducting the annual election of the said twelve members.

SECTION 3. The corporation shall, subject to the approval of the fire commissioner of the city of Boston, adopt by-laws for the management of its property and for carrying out its purposes; and it shall annually, within sixty days after the election of the twelve members above provided for, choose such officers as may be required by its by-laws. The corporation shall annually file a report with the city clerk of the city of Boston and with the commissioner of corporations showing in detail its assets and liabilities, its receipts of money or other property, the source of such receipts, and a statement of all sums paid out for relief or for expenses, with the names of the persons receiving the same.

Officers,  
by-laws, etc.

To report  
annually.

SECTION 4. The corporation created by this act shall be the successor of and shall have the same rights, powers and privileges and be subject to the same duties, obligations and liabilities as the corporation created by section four of chapter one hundred and seven of the acts of the year eighteen hundred and eighty, except in so far as the same are changed by this act; and the property held by said corporation and known as the Boston Firemen's Relief Fund shall become the property of and be held by the corporation hereby created.

Rights,  
powers and  
privileges,  
etc.

SECTION 5. Section four of chapter one hundred and seven of the acts of the year eighteen hundred and eighty, chapter twenty-two of the acts of the year eighteen hundred and eighty-one, and chapter one hundred and seventy of the acts of the year nineteen hundred and six are hereby repealed.

Repeal.

SECTION 6. For the purposes of the first election provided for in section two hereof, this act shall take effect upon its passage; and it shall take full effect upon the election of the twelve members to be elected at the said first election.

When to take  
effect.

*Approved April 16, 1909.*

**Chap.309** AN ACT TO ENCOURAGE THE PROPAGATION OF PHEASANTS.*Be it enacted, etc., as follows:*Hunting, etc.,  
of pheasants  
regulated.

SECTION 1. It shall be unlawful to hunt, pursue, take or kill, sell or offer for sale or to have in possession, a pheasant of any kind or the flesh of any pheasant except as hereinafter provided.

Permission  
may be  
granted to rear  
pheasants, etc.

SECTION 2. Upon application to the commissioners on fisheries and game, written permission may be granted to any person to engage in the rearing of pheasants and to dispose of the same, under such rules and regulations, approved by the governor and council, as may be made from time to time by the commissioners; and such artificially propagated pheasants may be bought or sold or had in possession at any season of the year, and any person receiving such permission may hunt, pursue, take or kill such pheasants upon the land owned or leased by him.

Penalty.

SECTION 3. Whoever violates any provision of this act, or any rule or regulation made as aforesaid, shall be punished by a fine not exceeding fifty dollars for each bird or part thereof in respect to which the violation occurs.

Repeal.

SECTION 4. Chapter four hundred and seventy-seven of the acts of the year nineteen hundred and eight, except section four of said chapter, is hereby repealed.

*Approved April 16, 1909.***Chap.310** AN ACT RELATIVE TO STANDARD WEIGHTS AND MEASURES.*Be it enacted, etc., as follows:*

Repeal.

SECTION 1. So much of chapter sixty-two of the Revised Laws and of all acts in addition thereto or in amendment thereof as provides that counties shall be furnished with standard weights and measures by the commonwealth, and that county treasurers shall have the care and custody of the same and shall act as sealers of weights and measures is hereby repealed.

Weights,  
measures, etc.,  
may be sold,  
etc.

SECTION 2. All sets of standard weights, measures and balances furnished by the commonwealth, and now in the custody of county treasurers, may be sold by the commissioner of weights and measures of the commonwealth, and the proceeds of such sale, after deducting the



necessary expenses in connection therewith, shall be paid into the treasury of the commonwealth.

SECTION 3. This act shall take effect upon its passage.

*Approved April 16, 1909.*

AN ACT TO PROVIDE FOR THE APPOINTMENT OF DEPUTY SUPERINTENDENTS OF THE POLICE DEPARTMENT OF THE CITY OF BOSTON. Chap.311

*Be it enacted, etc., as follows:*

Section thirteen of chapter two hundred and ninety-one of the acts of the year nineteen hundred and six is hereby amended by adding at the end thereof the words:— Deputy superintendents may be appointed from the police force from time to time by said police commissioner and they shall not be affected as to their selection or appointment by chapter nineteen of the Revised Laws or by acts in amendment thereof or by any rules established pursuant thereto, — so as to read as follows:— *Section 13.* Except as authorized by the mayor of said city said commissioner shall not appoint any greater number of patrolmen than the present board of police of the said city is now authorized to appoint, nor shall the pay of the members of the police force other than said police commissioner and superintendent of police be increased or diminished, except by the concurrent action of said mayor and said police commissioner. The police commissioner may, without such concurrent action, fix the salary of the superintendent of police, which shall not exceed five thousand dollars per annum. Deputy superintendents may be appointed from the police force from time to time by said police commissioner and they shall not be affected as to their selection or appointment by chapter nineteen of the Revised Laws or by acts in amendment thereof or by any rules established pursuant thereto. 1906, 291,  
§ 13, amended.

Number of  
patrolmen  
limited.

Salary of  
superin-  
tendent.

Deputy super-  
intendents,  
appointment,  
etc.

*Approved April 17, 1909.*

AN ACT RELATIVE TO THE REMOVAL OF PRISONERS TO AND FROM JAILS AND HOUSES OF CORRECTION. Chap.312

*Be it enacted, etc., as follows:*

The sheriff of any county except Suffolk may remove prisoners from a jail to a house of correction or from a house of correction to a jail in his own county. Removal of  
prisoners.

*Approved April 17, 1909.*

*Chap.313* AN ACT RELATIVE TO THEATRES IN THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

1907, 550,  
§ 111, etc.,  
amended.

SECTION 1. Section one hundred and eleven of chapter five hundred and fifty of the acts of the year nineteen hundred and seven, as amended by chapter three hundred and thirty-six of the acts of the year nineteen hundred and eight, is hereby further amended by striking out the words “and landings”, in the first line of said section, by striking out the second sentence in the third paragraph of said section and inserting in place thereof the words: — An emergency arc light or its equivalent shall be installed in the auditorium, which light or lights, exit lights, and all lights in halls, corridors, or any other part of the building used by the audience except the general auditorium lighting, shall be fed independently of the stage lighting and shall be controlled only from the lobby or other convenient place in the front of the house, — by inserting after the word “desk”, in the eighth line of the seventh paragraph, the words: — or any other place easily reached from the stage level, — and by striking out the second sentence in the eighth paragraph and inserting in place thereof the words: — The said pipes shall in no case be sealed and shall have a gate and check valve and shall have a test valve placed between the gate valve and check valve, — so as to read as follows: — *Section 111.* All stairs of theatres shall have throughout proper hand-rails on both sides firmly secured to walls or to strong posts and balusters. Stairways twelve feet or more wide shall have one or more intermediate rails not more than eight feet apart and properly supported.

Stairways.

Location of  
heating  
apparatus  
regulated.

No boiler, furnace, engine or heating apparatus, except steam, hot water or hot air pipes or radiators, shall be located under the auditorium nor under any passage or stairway or exit of any theatre.

Exits and  
fire-escapes to  
be plainly  
marked.

In every theatre there shall be over every exit, on the inside, and over every opening to a fire-escape, on the inside, an illuminated sign, bearing the word “exit” or “fire-escape”, respectively, in letters not less than four inches high. An emergency arc light or its equivalent shall be installed in the auditorium, which light or lights, exit lights, and all lights in halls, corridors, or any other

part of the building used by the audience except the general auditorium lighting, shall be fed independently of the stage lighting and shall be controlled only from the lobby or other convenient place in the front of the house. Every exit sign shall be kept illuminated and every outside balcony and fire-escape shall be kept well lighted during the performance, except outside exits during a performance in the daytime and before sunset.

The exits and openings to fire-escapes of all theatres shall open outward and have fastenings on the inside only. They shall be unfastened during every performance and shall be so arranged that they can easily be opened from within. Plans showing the exits and stairways shall be legibly printed so as to occupy a full page of every programme or playbill.

Exits, etc., to fire-escapes to open outward, etc.

No temporary seats or other obstructions shall be allowed in any aisle, or stairway of a theatre, and no person shall remain in any aisle or stairway of any such building during any performance.

Temporary seats, etc., not to be placed in aisles, etc.

The proscenium or curtain opening of every theatre shall have a fire-resisting curtain of incombustible material, reinforced by wire netting, or otherwise strengthened. If of iron, or similar heavy material, and made to lower from the top, it shall be so arranged as to be stopped securely at a height of seven feet above the stage floor, the remaining opening being closed by a curtain or valance of fire-resisting fabric. The curtain shall be raised at the beginning and lowered at the end of every performance, and shall be of proper material, construction and mechanism.

Curtain opening, etc.

There shall be one or more ventilators near the centre, and above the highest part of the stage of every theatre, of a combined area of opening satisfactory to the building commissioner, and not less than one tenth of the area of the proscenium opening. Every such ventilator shall have a valve or louvre so counterbalanced as to open automatically, and shall be kept closed, when not in use, by a fusible link and cord reaching to the prompter's desk or any other place easily reached from the stage level and readily operated therefrom. Such cord shall be of combustible material, and so arranged that if it is severed the ventilator will open automatically.

Ventilators, etc.

Fire protection, etc.

There shall be at least two two-inch high-service stand-pipes on the stage of every theatre, with ample provision of hose nozzles at each level of the stage on each side, and the water shall be kept turned on during the occupation of the building by an audience. The said pipes shall in no case be sealed and shall have a gate and check valve and shall have a test valve placed between the gate valve and check valve. The proscenium opening of every theatre shall be provided with a two and one half inch perforated iron pipe or equivalent equipment of automatic or open sprinklers, as the commissioner may direct, so constructed as to form when in operation a complete water curtain for the whole proscenium opening, and there shall be for the rest of the stage a complete system of fire apparatus and perforated iron pipes, automatic or open sprinklers. Such pipes or sprinklers shall be supplied with water by high pressure service, and shall be ready for use at all times.

SECTION 2. This act shall take effect upon its passage.

*Approved April 22, 1909.*

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**Chap.314** AN ACT TO AUTHORIZE THE TOWN OF READING TO CONSTRUCT A SYSTEM OF SEWERAGE.

*Be it enacted, etc., as follows:*

The town of Reading may construct a system of sewerage.

SECTION 1. The town of Reading is hereby authorized to lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or the whole of its territory, with such connections and other works as may be required for a system of sewage disposal; and, for the purpose of providing better surface or other drainage, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best. For the purposes aforesaid the town may, within its limits, deepen, widen and clear of obstruction any brook, stream or water course, and may straighten or alter the channels or divert the waters thereof, and may lay, make and maintain sub-drains, and, with the approval of the state board of health, discharge the water into any brook, stream or water course within the town.

Board of sewer commissioners,

SECTION 2. The town shall elect a board to consist of three commissioners, to be called sewer commissioners,

who shall be citizens and residents of the town and shall be elected by ballot at a special meeting or at an annual meeting of the town, one commissioner to hold office for one year, one for two years and one for three years, respectively, from the date of the annual town meeting at which he is elected, or which follows the special meeting at which he is elected, and until his successor is elected and qualified; and at each annual town meeting thereafter the town shall elect one member of the board to serve for three years or until his successor is elected and qualified. If a vacancy occurs in the board the town may at a meeting called for the purpose elect a person duly qualified to fill the vacancy. Said commissioners shall be known as Board of Sewer Commissioners.

election,  
terms, etc.

Vacancy.

SECTION 3. Said board of commissioners, acting in behalf of the town, shall have power to acquire, by purchase or otherwise, any lands in fee and any water rights, rights of way and easements in said town, public or private, necessary for any of the purposes mentioned in this act, and may construct within the town such main drains and sewers under or over any water course, bridge, aqueduct, conduit, railroad, railway or way, or within the location of any railroad or railway, and may enter upon and dig up any private land, street or way, or railroad or railway location, for the purpose of laying such main drains and sewers, and of maintaining and repairing the same, and may do any other thing necessary or proper for the purposes of this act: *provided, however*, that said board shall not take in fee any land of a railroad corporation, and that it shall not enter upon or construct any drains or sewers within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure to agree, as may be approved by the board of railroad commissioners.

May acquire  
lands, water  
rights, etc.

Proviso.

SECTION 4. Said board, in order to take any lands in fee, water rights, rights of way or easements otherwise than by purchase or agreement, shall cause to be recorded in the registry of deeds for the southern district of the county of Middlesex a statement signed by a majority of the board, containing a description thereof as certain as is required in a conveyance of land, and specifying that the same are taken under authority of this act; and upon

Description of  
lands to be  
recorded.



Damages.

such recording the title in the lands, water rights, rights of way or easements described in such statement shall vest in the town of Reading, which shall pay all damages therefor and all other damages sustained by any person or corporation through any action of said board under this act. Said board at the time of such taking shall notify the owners thereof in writing, and may agree with any person or corporation injured hereunder upon the damages sustained by such person or corporation; and if the damages are not agreed upon, a jury in the superior court for said county may be had to determine the same, upon petition of either party, in the manner provided by law for determining the damages for land taken for the laying out of highways; but in the case of a taking no suit or petition shall be brought after the expiration of two years from the date of the recording of the taking as herein provided; and in all other cases no suit or petition shall be brought after the expiration of two years from the time when the cause of action accrues.

Town may offer a specified sum as damages.

SECTION 5. In every case of a petition for the assessment of damages or for a jury, the town may, at any time, file in the office of the clerk of the court an offer in writing to pay the petitioner a sum therein specified as damages; and if the petitioner does not accept the same within thirty days after notice of such offer, and does not finally recover a sum greater than that offered, not including interest from the date of the offer on the sum so recovered, the town shall recover costs from the date of such notice, and the petitioner shall be entitled to costs only to such date.

Reading Sewerage Loan, Act of 1909.

SECTION 6. The town of Reading, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness to an amount not exceeding two hundred thousand dollars, and may issue from time to time therefor bonds or notes; and the debt and loan authorized by this act and the bonds or notes issued therefor shall not be reckoned in determining the statutory limit of indebtedness of the town. Such bonds or notes shall bear on their face the words, Reading Sewerage Loan, Act of 1909, shall be payable within periods not exceeding thirty years from the dates of issue, and shall bear interest payable semi-annually at a rate not exceeding four per cent per annum. They shall be signed

by the treasurer of the town and countersigned by a majority of the selectmen. The town may from time to time sell such securities, or any part thereof, at public or private sale, provided they shall not be sold for less than the par value thereof. The proceeds shall be retained in the treasury and the treasurer shall, upon the order of said board of commissioners, pay therefrom the expenses incurred for the purposes aforesaid.

SECTION 7. The town shall, at the time of authorizing the said loan, provide for the payment thereof in such annual payments, after five years from the date of said loan, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed the amount required thereby, less the amount that may be appropriated therefor, as provided in the following section, shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed, until the debt is extinguished.

Payment of  
loan.

SECTION 8. The receipts from sewer assessments and from payments made in lieu thereof, rentals and the premiums, if any, received from the sale of bonds or notes issued under authority of this act, shall be applied by the board of sewer commissioners to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage, or to the extension thereof, except that the town may apply any part of such receipts to the payment of the interest upon bonds or notes issued under authority of this act and not otherwise provided for, or to the payment or redemption of such bonds or notes, as the town shall by vote determine, and the said receipts shall be used for no other purpose. If such receipts shall not in any year be sufficient for the purposes aforesaid the town shall raise forthwith by taxation, in the same manner in which money is raised and appropriated for other town purposes, the balance required therefor.

Payment of  
expenses, etc.

SECTION 9. Thirty per cent of the estimated cost of the whole system shall be paid by the owners of the abutting estates in the following manner:—The board of sewer commissioners shall determine the value of the special benefit to each of the said estates, respectively, from the said system of sewers, taking into account all the circumstances of the case, and the proportionate part

Payment of  
assessments.

to be paid by the owners of the said estates, respectively, shall be based upon the amount of the special benefit to each estate determined as aforesaid. In addition to the above assessment there shall be an annual rental for the use of the sewers as follows: — Every owner of an estate, who enters his particular sewer into a common sewer, shall pay for the use of such sewer an annual rental determined upon the basis of water service as follows: — For unmetered service, six dollars; for metered water service, thirty cents per one hundred cubic feet of sewage delivered to the sewer, the quantity so delivered to be determined by the meter readings taken by the water commissioners: *provided, however*, that any such owner may place at his own expense a water meter which shall be approved by the commissioners to measure the amount of water which does not enter the sewer; but the annual charge shall in no case be less than six dollars. Such charge shall be collected semi-annually and shall constitute a lien upon the real estate using the sewer, to be collected in the same manner as taxes upon real estate, or in an action of contract in the name of the town of Reading.

Proviso.

Apportionment of assessments.

SECTION 10. If the owner of an estate, within thirty days after notice of a sewer assessment thereon, gives the board of sewer commissioners written notice to apportion the same, they shall apportion it into such number of equal parts, not exceeding ten, as the owner shall in said notice request. The first year the assessors shall add one of said parts to the annual tax on the land, with interest on the principal sum from the date of apportionment; and thereafter, so long as any one of the said parts remains unpaid, they shall add each year one of the said parts to the annual tax, with interest on the unpaid balance of the principal sum from the date of the last annual assessment.

Clerk and superintendent, appointment, etc.

SECTION 11. Said board of commissioners shall annually appoint a clerk, and may appoint a superintendent of sewers, and may remove said clerk or superintendent at its pleasure. The compensation of the commissioners shall be fixed by the town.

Contracts.

SECTION 12. All contracts made by said board of commissioners shall be made in the name of the town and shall be signed by the board; but no contract shall be made or obligation incurred by the commissioners for any

purpose in excess of the amount of money appropriated by the town therefor.

SECTION 13. Said commissioners may from time to time prescribe rules and regulations for the connecting of estates and buildings with main drains and sewers, and for the inspection of the materials, the construction, alteration and use of all connections and drains entering into such main drains or sewers, and may impose penalties not exceeding twenty dollars for every violation of any such rule or regulation. Such rules or regulations shall be published not less than once a week for three successive weeks in some newspaper published in the town of Reading, if there be any, and if not, then in some newspaper published in the county of Middlesex, and shall not take effect until such publication has been made.

Rules and regulations.

SECTION 14. No act shall be done under authority of the preceding sections until the plans for said system of sewerage have been approved by the state board of health. Upon application to said board for such approval the board shall give a hearing, after due notice to the public. At such hearing, plans showing in detail all the work to be done in constructing said system of sewerage, shall be submitted for the approval of the state board of health.

Plans to be approved by state board of health.

SECTION 15. This act shall take effect upon its passage, but no expenditure shall be made and no liability incurred hereunder until this act has been accepted by a majority of the voters of said town voting thereon at a legal meeting called for the purpose.

When to take effect.

*Approved April 22, 1909.*

AN ACT TO REVOKE THE AUTHORITY OF THE CITY OF BOSTON TO ISSUE CERTAIN LOANS OUTSIDE OF THE DEBT LIMIT.

Chap.315

*Be it enacted, etc., as follows:*

SECTION 1. All authority heretofore granted under any special act to the city of Boston to borrow money or contract loans outside the debt limit except for transit purposes under the transit acts, so-called, except so far as the issuance of such loans may be necessary to pay amounts due on contracts made prior to June first, nineteen hundred and nine, or to pay executions of court on suits brought under the acts authorizing said loans prior to

Authority to borrow money revoked, etc.

June first, nineteen hundred and nine, is hereby rescinded and the parts of said acts authorizing the continued issue of loans are hereby repealed.

When to take effect.

SECTION 2. This act shall take effect on the first day of July, nineteen hundred and nine.

*Approved April 22, 1909.*

**Chap. 316** AN ACT RELATIVE TO THE PURCHASE, SALE AND CONSOLIDATION OF GAS AND ELECTRIC LIGHT COMPANIES.

*Be it enacted, etc., as follows:*

1908, 529, § 5,  
amended.

SECTION 1. Section five of chapter five hundred and twenty-nine of the acts of the year nineteen hundred and eight is hereby amended by adding at the end thereof the words:—and may, with the approval of the board and subject to the provisions of sections three and four hereof, so far as the same may be applicable, sell its locations and the property used in its business of generating and furnishing electricity for light and power to an electric light company whose lines are in the same or in a contiguous municipality, — so as to read as follows:—

Electric light companies not to consolidate with gas companies, etc.

Proviso.

*Section 5.* No electric light company shall purchase the franchise or property of, or consolidate with, a gas company; and no gas company shall purchase the franchise or property of, or consolidate with, an electric light company: *provided*, that a gas company authorized to engage in the business of generating and furnishing electricity for light and power under the provisions of section fourteen of chapter one hundred and twenty-one of the Revised Laws may, with the approval of the board, exercise the authority conferred by section twenty-two of said chapter, and may, with the approval of the board and subject to the provisions of sections three and four hereof, so far as the same may be applicable, sell its locations and the property used in its business of generating and furnishing electricity for light and power to an electric light company whose lines are in the same or in a contiguous municipality.

Time for filing applications for purchases, consolidations, etc.

SECTION 2. All applications for the approval by the board of purchases and sales or consolidations under the provisions of chapter five hundred and twenty-nine of the acts of the year nineteen hundred and eight, or of the preceding section, shall be filed with the board within



four months after the passage by the contracting companies of votes authorizing such purchase and sale or consolidation.

SECTION 3. This act shall take effect upon its passage.

*Approved April 22, 1909.*

AN ACT RELATIVE TO THE VALIDITY OF ASSIGNMENTS OF WAGES. Chap.317

*Be it enacted, etc., as follows:*

Section six of chapter six hundred and five of the acts of the year nineteen hundred and eight is hereby amended by inserting before the word "provisions", in the last line, the word:—foregoing,—so as to read as follows:—

1908, 605, § 6, amended.

Section 6. National banks, all banking institutions which are under the supervision of the bank commissioner, and loan companies and loan associations established by special charter and placed under said supervision, shall be exempt from the foregoing provisions of this act.

Exemptions.

*Approved April 22, 1909.*

AN ACT RELATIVE TO THE RECEIPTS OF THE BOARD OF GAS AND ELECTRIC LIGHT COMMISSIONERS. Chap.318

*Be it enacted, etc., as follows:*

SECTION 1. All fees received by the board of gas and electric light commissioners shall be paid into the treasury of the commonwealth monthly, upon the last business day of each month.

Certain fees to be paid into the treasury.

SECTION 2. So much of section five of chapter two hundred and twenty-eight of the acts of the year nineteen hundred and two as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

*Approved April 26, 1909.*

AN ACT TO PROVIDE FOR THE SUPERVISION OF WATER COMPANIES BY THE STATE BOARD OF HEALTH. Chap.319

*Be it enacted, etc., as follows:*

SECTION 1. Upon complaint in writing relative to the service furnished in any city or town, or the charges therefor, made by any company engaged in the business

Supervision of water companies, etc.

Supervision of  
water com-  
panies, etc.

of supplying water to such city or town or to the inhabitants thereof, signed by the mayor of the city or the selectmen of the town, or by fifty customers of the company, and filed in the office of the state board of health, said board shall notify the company by leaving at its office or place of business in such city or town a copy of the complaint, and may thereupon, after notice, give a public hearing to the complainant or complainants and to the company, and shall require the company to furnish such information in its possession as may be necessary to determine the matters involved in the complaint, and after the hearing may make such recommendations concerning the reduction, modification or continuation of such charges for service, or concerning improvements in the quality of the service or extensions of the same, or concerning other matters in the premises, as the board shall deem just and proper. Any such recommendations shall be transmitted in writing by the board to the company complained of, and a report of the proceedings and of the result thereof shall be included in the annual report of the board, together with a statement of the action, if any, taken by the company upon the recommendation.

SECTION 2. This act shall take effect upon its passage.

*Approved April 26, 1909.*

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**Chap.320** AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO MAKE CERTAIN IMPROVEMENTS IN THE METROPOLITAN WATER SYSTEM.

*Be it enacted, etc., as follows:*

Appropriations.

Weston  
aqueduct.

Chestnut Hill  
pumping  
station.

Wachusett  
reservoir.

Town of  
Winthrop, etc.

SECTION 1. The sum of nine hundred and thirty-nine thousand five hundred dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the Metropolitan Water Loan Fund for the following purposes: — For a sixty inch main from the terminus of the Weston aqueduct to connect with the present mains near Chestnut Hill reservoir; for additional pumping machinery for the high service at the Chestnut Hill pumping station; for the construction of sewers and cesspools and for other improvements necessary for the watershed of the Wachusett reservoir; for a new main for the water supply of the town of Winthrop; and for small extensions of the distribution system.

SECTION 2. For the purposes aforesaid the metropolitan water and sewerage board may, in addition to providing for the improvements for which expenditures are authorized by chapter five hundred and fifty-eight of the acts of the year nineteen hundred and eight, expend any sum heretofore appropriated for the construction of the metropolitan water works. To meet the further expenditures incurred under the provisions of this act, and not so provided for, the treasurer and receiver general shall, from time to time, issue upon the request of said board, bonds in the name and behalf of the commonwealth, to be designated on the face thereof, Metropolitan Water Loan, Act of 1909, to an amount not exceeding nine hundred thousand dollars, in addition to the sum of forty million eight hundred and ninety-eight thousand dollars authorized to be issued under the provisions of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, chapter four hundred and fifty-three of the acts of the year nineteen hundred and one, chapter three hundred and sixty-seven of the acts of the year nineteen hundred and six and chapter five hundred and fifty-eight of the acts of the year nineteen hundred and eight, and the provisions of said chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and of acts in amendment thereof and in addition thereto shall apply to this additional loan.

Metropolitan  
Water Loan,  
Act of 1909.

SECTION 3. All sums which shall be received from the town of Swampscott for the admission of said town into the metropolitan water district shall be paid into the Metropolitan Water Loan Fund, and may be applied by the metropolitan water and sewerage board to the construction of works made necessary by the admission of said town into the metropolitan water district.

Disposition of  
funds received  
from the  
town of  
Swampscott.

SECTION 4. This act shall take effect upon its passage.

*Approved April 26, 1909.*

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AN ACT TO PROVIDE FOR REIMBURSING THE CITY OF  
BROCKTON FOR LAND ON WHICH THE STATE ARMORY  
IS LOCATED.

*Chap. 321*

*Be it enacted, etc., as follows:*

SECTION 1. For the purpose of paying to the city of Brockton for the land taken under the provisions of chap-

City of  
Brockton to be  
reimbursed for  
certain land.

ter five hundred and twenty-six of the acts of the year nineteen hundred and seven, on which is situated the state armory, there shall be paid out of the Armory Loan Fund the sum of six thousand dollars, with the approval of the armory commissioners.

Treasurer and receiver general may issue bonds, etc.

SECTION 2. For the purpose aforesaid the treasurer and receiver general shall, with the approval of the governor and council, issue registered or coupon bonds, in the name and behalf of the commonwealth and under its seal, for a term not exceeding thirty years, with interest not exceeding four per cent per annum, payable semi-annually on the first days of March and September, which bonds shall be a part of the armory loan bonds authorized by section one hundred and fourteen of chapter four hundred and sixty-five of the acts of the year nineteen hundred and five and acts in amendment thereof and in addition thereto.

SECTION 3. This act shall take effect upon its passage.

*Approved April 26, 1909.*

**Chap.322** AN ACT RELATIVE TO THE LIABILITY FOR DAMAGES ARISING FROM DEFECTS IN BASS RIVER LOWER BRIDGE BETWEEN THE TOWNS OF DENNIS AND YARMOUTH.

*Be it enacted, etc., as follows:*

Liability for damages, etc.

SECTION 1. Damages arising from defects in Bass river lower bridge between the towns of Dennis and Yarmouth shall hereafter be paid as follows: — fifty per cent by the county of Barnstable, and twenty-five per cent each by the said towns.

Repeal.

SECTION 2. So much of chapter two hundred and twenty-seven of the acts of the year nineteen hundred and seven as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved April 26, 1909.*

**Chap.323** AN ACT TO PROVIDE FOR REPAIRS AND IMPROVEMENTS AT STATE ARMORIES.

*Be it enacted, etc., as follows:*

1908, 604,  
§ 133.  
amended.

SECTION 1. Section one hundred and thirty-three of chapter six hundred and four of the acts of the year nineteen hundred and eight is hereby amended by striking

out the words "or injured otherwise than by ordinary usage", in the third and fourth lines, and inserting in place thereof the words:— and may reconstruct, remodel, enlarge or otherwise improve existing state armories, if in their judgment the needs of the service demand it, subject to the approval of the commander in chief, — and by inserting after the word "erected", in the sixteenth line, the words:—reconstructed, remodeled or enlarged, — so as to read as follows:— *Section 133.* The armory commissioners shall rebuild, remodel or repair armories of the first class which have been injured or destroyed by fire, and may reconstruct, remodel, enlarge or otherwise improve existing state armories, if in their judgment the needs of the service demand it, subject to the approval of the commander-in-chief, and, in addition, shall construct armories, not exceeding three yearly, until the volunteer militia shall be provided with adequate quarters. The location of the armories so to be constructed shall be designated by the adjutant general and approved by the commander-in-chief. The armory commissioners shall thereupon acquire by purchase or otherwise suitable lots of land in the respective cities and towns designated, and shall erect, furnish and equip thereon armories sufficient for one or more companies of militia, and for such other commands or headquarters thereof permanently stationed in any such city or town as they may deem necessary; but no land shall be acquired and no building shall be erected, reconstructed, remodeled or enlarged until the site and plans thereof, respectively, and the total cost to be authorized therefor, have been approved by the governor and council. The said commissioners shall cause to be recorded in the registry of deeds for the county and district in which the land lies, a description of the land so taken, as certain as is required in an ordinary conveyance of land, with a statement signed by the commissioners that it is taken for the commonwealth; and thereupon title to the land so taken shall vest in the commonwealth. The act and time of filing the said description shall be the act and time of taking such land, and notice to all persons that the same has so been taken.

Armories injured or destroyed to be restored, etc.

The armory commissioners may, by agreement with the owner of the land taken, determine the value thereof, and, in default of such agreement, either party may have a

Value of land taken may be determined by a jury, etc.



jury in the superior court to determine such value in the manner provided for the determination of damages for land taken for laying out highways, if the petition therefor is filed in the clerk's office of the superior court for the county in which the land lies within one year after the taking. The amount determined by agreement of said commissioners or by verdict as the value of any property so purchased or taken shall be paid from the treasury of the commonwealth upon the execution of such release or conveyance as shall be prescribed by the attorney-general.

SECTION 2. This act shall take effect upon its passage.

*Approved April 26, 1909.*

**Chap.324** AN ACT TO AUTHORIZE THE DRACUT WATER SUPPLY DISTRICT TO MAKE AN ADDITIONAL WATER LOAN.

*Be it enacted, etc., as follows:*

Dracut Water  
Supply  
District Loan,  
Act of 1909.

SECTION 1. The Dracut Water Supply District, for the purposes mentioned in chapter four hundred and thirty-three of the acts of the year nineteen hundred and five, may issue bonds, notes or scrip, signed by the treasurer of the water supply district and countersigned by the chairman of the water commissioners, to be denominated on the face thereof, Dracut Water Supply District Loan, Act of 1909, to an amount not exceeding five thousand dollars, in addition to the amounts heretofore authorized to be issued by said district for the same purposes. Such bonds, notes or scrip shall be issued upon the terms and conditions, and with the powers on the part of said district, which are specified in said chapter four hundred and thirty-three.

SECTION 2. This act shall take effect upon its passage.

*Approved April 26, 1909.*

**Chap.325** AN ACT RELATIVE TO THE FEES FOR THE REGISTRATION OF HUNTERS.

*Be it enacted, etc., as follows:*

1908, 484, § 3,  
amended.

SECTION 1. Section three of chapter four hundred and eighty-four of the acts of the year nineteen hundred and eight is hereby amended by inserting after the word "dollar", in the third line, the words: — of which sum fifteen cents shall be returned by the state treasurer to

the clerk of the city or town in which the certificate is recorded, if the annual salary of such clerk does not exceed five hundred dollars, but if his salary exceeds five hundred dollars no part of said fee shall be returned to him, — so as to read as follows: — *Section 3.* Every citizen of the United States who is a bona fide resident of this state shall pay for such certificate a fee of one dollar, of which sum fifteen cents shall be returned by the state treasurer to the clerk of the city or town in which the certificate is recorded, if the annual salary of such clerk does not exceed five hundred dollars, but if his salary exceeds five hundred dollars no part of said fee shall be returned to him: *provided, however,* that this act shall not apply to any such citizen who is a bona fide resident on land owned or leased by him and on which he is actually domiciled, which land is used exclusively for agricultural purposes, and not for club or shooting purposes.

Fee for registration of hunters.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved April 27, 1909.*

AN ACT RELATIVE TO THE APPOINTMENT OF AUDITORS OF  
BUSINESS CORPORATIONS.

*Chap. 326*

*Be it enacted, etc., as follows:*

SECTION 1. Section forty-seven of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three, as amended by section one of chapter three hundred of the acts of the year nineteen hundred and eight, is hereby further amended by striking out the words "and evidence of such appointment and qualification shall be filed in the office of the commissioner of corporations", at the end of the section, and inserting in place thereof the words: — and the officers of the corporation who sign the said report of condition shall certify thereon that the auditor was duly elected and qualified, as herein provided, — so as to read as follows: — *Section 47.* Such report of a corporation which has a capital stock of one hundred thousand dollars or more shall be accompanied by a written statement under oath by an auditor to be employed for each ensuing fiscal year by a committee of three stockholders who are not directors which shall be selected at each annual meeting of the stockholders, or, if there are not three stockholders other than directors able

1903, 437,  
§ 47, etc.,  
amended.

Auditor's statement to accompany report of certain corporation.

Auditor to be  
sworn, etc.

and willing to serve on such committee, then to be employed by the directors, stating that such report represents the true condition of the affairs of said corporation as disclosed by its books at the time of making such audit; but no bookkeeper, treasurer or other officer of the corporation who shall sign and execute the statement shall be appointed as auditor within the meaning of this act. The statement of the auditor shall be filed by him with said report in the office of the secretary of the commonwealth and shall be attached to and form part of it. The auditor shall be sworn to the faithful performance of his duties by a justice of the peace or some other magistrate authorized to administer oaths or affirmations; and the officers of the corporation who sign the said report of condition shall certify thereon that the auditor was duly elected and qualified, as herein provided.

SECTION 2. This act shall take effect upon its passage.

*Approved April 27, 1909.*

**Chap. 327** AN ACT RELATIVE TO THE ABOLITION OF GRADE CROSSINGS  
IN THE CITY OF LYNN.

*Be it enacted, etc., as follows:*

Silsbee street  
in Lynn may  
be closed as a  
thoroughfare.

SECTION 1. In the proceedings now pending in the superior court for Essex county for the abolition of grade crossings in the city of Lynn the commissioners heretofore appointed therein may, to such extent as they deem advisable, and subject to the approval of the board of railroad commissioners, and to the confirmation of the superior court, close Silsbee street in the said city as a thoroughfare and discontinue the crossing thereof over the tracks of the Boston and Maine Railroad, substituting a public way for foot passage only under said tracks.

New public  
way may be  
laid out, etc.

SECTION 2. In case the crossing of Silsbee street over said tracks is closed and discontinued as aforesaid, then if, at any time after the first day of January in the year nineteen hundred and fourteen and prior to the first day of January in the year nineteen hundred and twenty-six, the city council of said city, by majority vote, and the directors of the Boston and Maine Railroad are of opinion that the safety and convenience of the inhabitants of the city of Lynn require the laying out and construction of a new public way suitable for travel by vehicles, and with

proper approaches, to take the place of that part of said Silsbee street so closed as a thoroughfare, and to extend from Friend street to Union street, or to some public way connecting with Union street at some point between said Silsbee street as it now exists and Green street, and crossing the location of said Boston and Maine Railroad, but not at grade with the roadbed thereof, an instrument in writing, signed in behalf of the city by the mayor, duly authorized by the city council by majority vote, and by the president of the Boston and Maine Railroad, duly authorized by its directors, specifying within the limits above set forth the location, grades and manner of construction of said new way and by which party the work shall be done or how it shall be apportioned between the city and the railroad corporation, and also what land or other property it is necessary to take for the purpose of constructing said public way, and how the cost thereof shall be apportioned between the city and the railroad corporation, shall be valid and binding on the city and the railroad corporation, respectively, and shall have the same force and effect as a decision of the commissioners hereinafter provided for: *provided*, that within thirty days after the execution of said instrument a copy thereof shall be filed with the county commissioners of Essex county and recorded in the registry of deeds for the southern district of Essex county, and that within two years thereafter the city of Lynn, in pursuance of a majority vote of its city council, shall make an entry upon said land or other property specified in said instrument for the purpose of commencing work in constructing said new public way, and shall forthwith, after said entry, cause a certificate of the fact of such entry to be recorded with said county commissioners and in said registry of deeds, and the recording of said certificate of entry with said county commissioners and in said registry of deeds shall constitute a taking by the city of Lynn of the said specified land or other property.

Proviso.

SECTION 3. In case the crossing of Silsbee street over said tracks is closed and discontinued as aforesaid, and the city of Lynn and the Boston and Maine Railroad cannot agree as aforesaid, the city council of the city of Lynn may, at any time after the first day of January in the year nineteen hundred and fourteen and prior to the

The city may determine that public safety, etc., require the construction of the new way, etc.

first day of January in the year nineteen hundred and twenty-six, by a majority vote determine and declare that the safety and convenience of the inhabitants of the city of Lynn require the construction of a new public way suitable for travel by vehicles and with proper approaches, to take the place of that part of said Silsbee street so closed as a thoroughfare, and to extend from Friend street to Union street or to some public way connected with Union street, at some point between the limits of said Silsbee street as it now exists and Green street, and crossing the location of the Boston and Maine Railroad, but not at grade with the roadbed thereof. The mayor shall thereupon file with the superior court for the county of Essex a copy of said declaration by the city council, duly attested by the city clerk, and shall ask the court by motion in writing to appoint a commission of three disinterested persons to determine the matters hereinafter set forth. The superior court shall thereupon, after notice to the Boston and Maine Railroad and opportunity to be heard, appoint a commission of three disinterested persons who shall forthwith proceed to determine within the limits above set forth the location, grades and manner of construction of said new public way with proper approaches and shall apportion the work to be done between the Boston and Maine Railroad and the city of Lynn, but said way shall not cross the location of said railroad at grade with the tracks thereof. Said commission shall determine what land or other property shall be taken for the purpose of constructing said way. Before finally determining said location, grades and construction the commissioners shall give a hearing to all parties interested, notice of which shall be served upon the city of Lynn and the Boston and Maine Railroad, in the manner prescribed by law for the service of writs returnable to the superior court, at least fourteen days before the date of said hearing. Notice shall also be given by publication in two newspapers published in Lynn, at least fourteen days before the date of said hearing. The commissioners shall appoint an auditor who shall be a disinterested person, not a resident of Lynn, whose compensation if not agreed upon between the parties shall be determined by the said superior court, and whose duties shall be as hereinafter set forth.

Copy of  
declaration to  
be filed with  
the superior  
court, etc.

Hearing.

Notice of  
hearing to be  
given.

Auditor.



SECTION 4. The commission shall make a draft of its decision, and after giving all parties interested an opportunity to be heard thereon, it shall make its decision and file the same in the superior court, and the decision when so filed shall be final, and the clerk of said court shall within thirty days after the filing of the decision cause a copy thereof to be filed with the county commissioners of Essex county and to be recorded in the registry of deeds for the southern district of Essex county. Within two years after the recording of said decision with said county commissioners and in said registry of deeds, the city of Lynn may, by majority vote of its city council make an entry upon the land or other property specified in said decision, for the purpose of commencing work in constructing said new public way, and the mayor shall forthwith, after said entry, cause a certificate of the fact of such entry to be recorded with said county commissioners and in said registry of deeds, and the recording of said certificate of entry with said county commissioners and in said registry of deeds shall constitute a taking by the city of Lynn of the specified land or other property.

Decision to be filed in the superior court, etc.

SECTION 5. The damages to property sustained by any person by the taking of land for said public way may, if the parties interested cannot agree, be determined by a jury of the superior court upon petition brought within two years after the said entry for the purpose of constructing said way, in the same manner in which damages caused by the taking of lands for public ways are determined. The city of Lynn shall be primarily responsible for said damages, and shall be the party defendant to any such petition for damage.

Damages.

SECTION 6. The cost of locating and constructing said public way, including the compensation of the commissioners and auditor and all expenses incidental to the work of said commission, counsel fees for defending petitions for land damages, and the payment of said damages, shall be apportioned as follows, to wit:—sixty-five per cent shall be paid by the Boston and Maine Railroad, and thirty-five per cent shall be paid by the city of Lynn. If, however, the city of Lynn does not, within two years after the recording of the decision of the commissioners provided for in section four, make an entry upon said public

Apportionment of cost of construction, etc.

way, as provided in said section, for the purpose of constructing said public way, said new public way shall not be laid out and constructed under this act and all things done under this act in regard thereto shall be of no force and effect, except only that the expenses previously incurred under this act shall be borne by the city and the said railroad in the proportions above set forth.

Auditor to submit account of expenses, etc.

SECTION 7. There shall be submitted from time to time to the auditor appointed under the provisions of section three of this act all accounts of expenses incurred by the railroad and the city in the laying out and construction of said new way under this act, and he shall audit the same and his finding shall be final and binding on the railroad and the city. If it shall appear to said auditor that either party has expended less than its proportionate part of the cost and expenses, such party shall pay to the other party the difference between what it has expended and the apportionment of the expenses which it is to pay under the provisions of this act, and the superior court sitting in equity shall have the power to enforce such payment by such orders or decrees as justice requires.

The city and the Boston and Maine Railroad to enter into an agreement as to payment of expenses.

SECTION 8. The Boston and Maine Railroad and the city of Lynn by vote of a majority of the city council shall have authority at any time after the passage of this act and before the first day of January in the year nineteen hundred and twenty-five, to enter into an agreement by the terms of which said railroad shall bind itself to pay sixty-five per cent, and said city shall bind itself to pay thirty-five per cent of the cost of locating and constructing said public way in the manner provided herein.

Grade of the railroad not to be changed, except, etc.

SECTION 9. The grade of the Boston and Maine railroad shall not be changed without the consent of the board of railroad commissioners, and if the location, grades and manner of construction of the new public way require a bridge over said railroad, said bridge shall not be constructed at a height less than eighteen feet above the track without the consent of said board.

SECTION 10. This act shall take effect upon its passage.

*Approved April 27, 1909.*

AN ACT RELATIVE TO THE USE OF FERRETS.

Chap. 328

*Be it enacted, etc., as follows:*

Section eleven of chapter ninety-two of the Revised Laws, as amended by chapter two hundred and forty-one of the acts of the year nineteen hundred and six, is hereby further amended by inserting after the word "offence", in the twentieth line, the words:—except as hereinafter provided,—and by adding at the end of the section the words:—and a person who uses a ferret in violation of the provisions of this act shall be punished by a fine not exceeding fifty dollars for each offence,—so as to read as follows:—*Section 11.* Whoever takes or kills a game bird or water fowl, hare or rabbit by means of a trap, net or snare, or by the use of a ferret; and whoever, for the purpose of taking or killing a game bird, water fowl, hare or rabbit, constructs or sets a trap, snare or net or uses a ferret; and whoever shoots at or kills any wild fowl or any of the so-called shore, marsh or beach birds with a swivel or pivot gun or by the use of a torch, jack or artificial light, or pursues any wild fowl with or by aid of a boat propelled by steam or naphtha, or of a boat or vessel propelled by any mechanical means other than sails, oars or paddles, or in that portion of Boston harbor lying westerly and southwesterly of a line running from Deer Island to Point Allerton, including the waters of Dorchester bay, Quincy bay, Weymouth bay and Hingham bay, shoots at, kills or pursues a wild fowl from or by the aid or use of any boat or floating device propelled by steam, naphtha, gasolene, electricity, compressed air, or any similar motive power, shall be punished by a fine of twenty dollars for each offence, except as hereinafter provided. The constructing or setting of a trap, snare or net adapted for the taking or killing of a game bird, water fowl, hare or rabbit, upon premises frequented by them, shall be prima facie evidence of such constructing and setting with intent to take and kill contrary to law; and possession of a ferret in a place where the game mentioned in this section might be taken or killed, shall be prima facie evidence that the person having it in possession has used it for taking and killing game contrary to law. Ferrets which are used in violation of the provisions of this

R. L. 92, § 11,  
etc., amended.

Penalty for  
taking game,  
etc., by  
means of  
snare or  
ferrets, etc.

Ferrets to be  
confiscated,  
etc.

section shall be confiscated, and a person who uses a ferret in violation of the provisions of this act shall be punished by a fine not exceeding fifty dollars for each offence.

*Approved April 27, 1909.*

**Chap.329** AN ACT RELATIVE TO THE USE FOR COMMERCIAL PURPOSES OF PUBLIC STREETS IN THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

1907, 584, § 10,  
amended.

Penalty for  
unlawfully  
occupying  
streets for  
commercial  
purposes, etc.

Chapter five hundred and eighty-four of the acts of the year nineteen hundred and seven is hereby amended by striking out section ten and inserting in place thereof the following: — *Section 10.* A person who uses or occupies a part of a public street in the city of Boston, otherwise than according to the provisions of this act, for the purchase, sale, storage or display of merchandise or other articles except materials or appliances used or to be used for public purposes or for building operations under authority or license lawfully conferred or issued by or under an ordinance of the city of Boston, now in existence or hereafter enacted, shall be subject to a fine not exceeding twenty dollars for the first offence and not exceeding one hundred dollars for each subsequent offence, and should such person be unknown to the police officer witnessing such use or occupation he may be arrested by the officer without a warrant.

*Approved April 27, 1909.*

**Chap.330** AN ACT RELATIVE TO THE CAMBRIDGE MUTUAL FIRE INSURANCE COMPANY.

*Be it enacted, etc., as follows:*

Certain provisions of law to apply to the Cambridge Mutual Fire Insurance Company.

Purposes for which funds may be used.

SECTION 1. The provisions of law which may be enacted during the current year relative to the reinsurance reserve shall apply to and the Cambridge Mutual Fire Insurance Company shall have the benefit of the same.

SECTION 2. The balance standing to the credit of the Cambridge Mutual Fire Insurance Company upon its books the first day of January of the year nineteen hundred and nine may be used for any and all purposes for which funds of a mutual fire insurance company may be used.

Corporate powers to continue in force, etc.

SECTION 3. Subject to the restrictions, duties and liabilities and with all the powers and privileges set forth

in the general laws which now are or hereafter may be in force and applicable to such corporations, at any time prior to May of the year nineteen hundred and ten, the Cambridge Mutual Fire Insurance Company may make new insurance and its corporate powers shall continue and be deemed to have been at all times and now to be in full force and effect, anything in the general laws to the contrary notwithstanding.

SECTION 4. This act shall take effect upon its passage.

*Approved April 27, 1909.*

AN ACT TO PROVIDE ADDITIONAL CLERICAL ASSISTANCE  
FOR THE REGISTER OF PROBATE FOR THE COUNTY OF  
FRANKLIN.

*Chap.331*

*Be it enacted, etc., as follows:*

SECTION 1. The register of probate and insolvency for the county of Franklin shall be allowed for clerical assistance a sum not exceeding four hundred dollars annually, which shall be paid by the commonwealth to the persons who actually perform the work, upon the certificate of the register, countersigned by the judge of probate and insolvency.

Clerical assistance for the register of probate for Franklin county.

SECTION 2. So much of section twenty-eight of chapter one hundred and sixty-four of the Revised Laws, as amended by section three of chapter two hundred and eighty-six of the acts of the year nineteen hundred and four, as is inconsistent herewith, is hereby repealed.

Repeal.

*Approved April 29, 1909.*

AN ACT RELATIVE TO THE PAYMENT OF WAGES TO INCAPACITATED EMPLOYEES OF THE CITY OF BOSTON.

*Chap.332*

*Be it enacted, etc., as follows:*

Section one of chapter two hundred and ten of the acts of the year nineteen hundred and eight, relative to the payment of persons employed by the city of Boston, is hereby amended by adding at the end thereof the following: — *provided, however,* that the civil service commission may certify, and the treasurer or other fiscal officer of the city of Boston may thereafter pay, for a term not exceeding thirty days, the regular compensation, or any part thereof, to any laborer in the service or employment

1908, 210, § 1, amended.

Proviso.



of the city of Boston who, by reason of accident or injury occurring while he was in the performance of his duties and in the exercise of due care, has become incapacitated to perform the ordinary duties of his employment. But no such payment shall be made except upon the certificate of the city physician, the sworn statement of the head of the department, both stating that the employee is incapacitated as above, and the approval of the mayor.

*Approved April 29, 1909.*

**Chap.333** AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX TO REMODEL THE COURT HOUSE IN THE CITY OF SALEM.

*Be it enacted, etc., as follows:*

The county of Essex may borrow money to remodel court house in Salem.

SECTION 1. For the purpose of remodelling the present court house and the old registry of deeds building in the city of Salem the county commissioners of the county of Essex are hereby authorized and directed to borrow on the credit of the said county a sum not exceeding seventy-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved April 29, 1909.*

**Chap.334** AN ACT RELATIVE TO THE EXPENSE OF MAINTAINING AND OPERATING ROCKS BRIDGE OVER THE MERRIMAC RIVER BETWEEN THE CITY OF HAVERHILL AND THE TOWN OF WEST NEWBURY.

*Be it enacted, etc., as follows:*

Maintenance, etc., of Rocks bridge, over the Merrimac river.

SECTION 1. The expense of maintaining and operating the Rocks bridge, so-called, over the Merrimac river, between the city of Haverhill and the town of West Newbury, shall, in the first instance, be paid out of the treasury of the county of Essex. The county commissioners of the county of Essex shall have full control of said bridge, and shall annually, in the month of November, submit to the treasurers of the city of Haverhill and the towns of Merrimac and West Newbury a true statement of the expense of the maintenance and operation of the said bridge, and within thirty days thereafter the said city and each of the said towns shall pay into the treasury of the county of

Control of the bridge, etc.

Essex fifty per cent of said expense, sixteen and two thirds per cent by the city of Haverhill and sixteen and two thirds per cent each by the towns of Merrimac and West Newbury; and if the said city or either of the said towns shall neglect or refuse to pay its proportion, the said commissioners shall, after a notice to the city or town so neglecting or refusing, issue a warrant for the sum due, with interest and the costs of the notice and warrant, and the same shall be collected and paid into the treasury of said county to be applied in payment of the expense aforesaid.

SECTION 2. The said county commissioners are hereby authorized and directed to repair and reconstruct the fender pier at the Rocks bridge, and the expense thereof shall be borne by the county of Essex and paid for from the treasury of the county; and for the aforesaid purpose the county commissioners are hereby authorized to borrow on the credit of the county a sum not exceeding eight thousand dollars.

Repair, etc.,  
of the fender  
pier, etc.

SECTION 3. After the fender pier at the said bridge has been repaired and reconstructed as above provided for, the cost of any further repairs of the said pier shall be considered as a part of the maintenance and operation of the bridge and shall be paid for in the proportions specified in section one of this act.

Further  
repairs, etc.

SECTION 4. This act shall take effect on the first day of May in the year nineteen hundred and nine.

When to take  
effect.

*Approved April 29, 1909.*

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AN ACT RELATIVE TO THE EXPENSE OF MAINTAINING AND OPERATING THE GROVELAND BRIDGE OVER THE MERRIMAC RIVER BETWEEN THE CITY OF HAVERHILL AND THE TOWN OF GROVELAND.

*Chap. 335*

*Be it enacted, etc., as follows:*

SECTION 1. The expense of maintaining and operating the Groveland bridge, so-called, over the Merrimac river between the city of Haverhill and the town of Groveland, shall, in the first instance, be paid out of the treasury of the county of Essex. The county commissioners of the county of Essex shall have full control of the bridge, and shall annually, in the month of November, submit to the treasurers of the city of Haverhill and towns of Groveland,

Maintenance,  
etc., of Grove-  
land bridge  
over the  
Merrimac  
river.

Control of the  
bridge, etc.

Georgetown and West Newbury, a true statement of the expense of the maintenance and operation of the said bridge; and within thirty days thereafter, the said city and each of the said towns shall pay into the treasury of the county sixty per cent of said expense, as follows:—The city of Haverhill thirty per cent, the town of Groveland fifteen per cent, the town of West Newbury seven and one half per cent and the town of Georgetown seven and one half per cent; and if the said city or any of the said towns neglects or refuses to pay its said proportion, the said commissioners shall, after a notice to the city or town so neglecting or refusing, issue a warrant for its proportion, with interest and the cost of the notice and warrant, and the same shall be collected and paid into the treasury of said county to be applied in payment of the expense aforesaid.

Repair, etc.,  
of the fender  
pier, etc.

SECTION 2. The said county commissioners are hereby authorized and directed to repair and reconstruct the fender pier at the Groveland bridge, and the expense thereof shall be borne by the county of Essex and paid for from the treasury of the county; and for the aforesaid purpose the county commissioners are hereby authorized to borrow on the credit of the county a sum not exceeding ten thousand dollars.

Further  
repairs, etc.

SECTION 3. After the fender pier at the said bridge has been repaired and reconstructed as above provided for the cost of any further repairs of the said pier shall be considered as a part of the maintenance and operation of the bridge and shall be paid for in the proportions specified in section one of this act.

When to take  
effect.

SECTION 4. This act shall take effect on the first day of May in the year nineteen hundred and nine.

*Approved April 29, 1909.*

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**Chap. 336** AN ACT TO AUTHORIZE THE HEATH TELEPHONE COMPANY  
TO SELL CERTAIN STOCK AT PRIVATE SALE.

*Be it enacted, etc., as follows:*

1903, 178, § 1,  
amended.

SECTION 1. Section one of chapter one hundred and seventy-eight of the acts of the year nineteen hundred and three is hereby amended by striking out the words "fifty thousand", in the fourth line, and inserting in place thereof the words:—one hundred and twenty-five thou-

sand, — so as to read as follows: — *Section 1.* The Heath Telephone Company is hereby authorized to increase its capital stock from time to time, under the provisions of existing laws, to an amount not exceeding one hundred and twenty-five thousand dollars, without selling at auction the shares not taken by stockholders as their proportion of such increase. Shares not so taken may be sold by said company at a price not less than the par value thereof in such manner as it may by vote determine.

The Heath Telephone Company may increase its capital stock, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved April 29, 1909.*

AN ACT TO AUTHORIZE THE TOWN OF DOUGLAS TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

*Chap. 337*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Douglas may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid therefor.

The town of Douglas may supply itself with water, etc.

SECTION 2. Said town, for the purposes aforesaid, may take, or acquire by purchase or otherwise, and hold, the waters of any pond or stream or of any ground sources of supply, by means of driven, artesian or other wells within the limits of the town, and the water rights connected with any such water sources, and may also take, or acquire by purchase or otherwise, and hold all lands, rights of way and easements necessary for collecting, storing, holding, purifying and preserving the purity of the water, and for conveying the same to any part of said town: *provided, however,* that no source of water supply and no lands necessary for preserving the quality of such water, shall be taken or used without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board. Said town may construct on the lands acquired and held under the provisions of this act proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and ap-

May take waters, water rights, etc.

*Proviso.*

pliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways in the town of Douglas, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act, said town may dig up or raise and embank any such lands, highways, or other ways in such manner as to cause the least possible hindrance to public travel on such ways. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners.

Description of  
land to be  
recorded, etc.

SECTION 3. Said town shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district within which such land or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for. The title to all land taken, purchased or acquired in any way under the provisions of this act shall vest in the town of Douglas, and the land so acquired may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of said town.

Damages.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with said town as to the amount thereof, may have the same determined in the manner provided by law in the case of



land taken for the laying out of highways, on application at any time within the period of two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of the said two years, and no application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under authority of this act. Said town may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages caused by such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, and in such event said town shall be further liable only for the additional damages caused by such additional taking.

SECTION 5. Said town, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding fifty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of Douglas Water Loan, Act of 1909; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof.

Town of  
Douglas Water  
Loan, Act  
of 1909.

Proviso.

SECTION 6. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said town, and to

Payment of  
loan.

make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the assessors of said town in each year thereafter, in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished.

Penalty for  
pollution, etc.,  
of water, etc.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said town under authority of this act, shall forfeit and pay to the said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon being convicted of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in jail for a term not exceeding one year.

Water com-  
missioners,  
election, terms,  
etc.

SECTION 8. Said town shall, after its acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act and not otherwise specifically provided for shall be vested in said water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily by a majority vote of the selectmen, and the person so appointed shall hold office until the town fills the vacancy in the manner provided herein.

Quorum.

Vacancy.

Water rates,  
etc.

SECTION 9. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds, notes or scrip

issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges it shall be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction, the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid, unless the town appropriates and provides money therefor. Said commissioners shall annually, and as often as the town may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

New construction, etc.

SECTION 10. This act shall take effect upon its acceptance by a majority vote of the legal voters of the town of Douglas present and voting thereon at a legal meeting called for the purpose within three years after its passage; but the number of meetings so called in any one year shall not exceed three; and for the purpose of being submitted to the voters as aforesaid this act shall take effect upon its passage.

When to take effect.

*Approved April 29, 1909.*

AN ACT TO AUTHORIZE THE CITY OF MELROSE TO INCUR INDEBTEDNESS FOR THE PURPOSE OF MAINTAINING, EXTENDING AND IMPROVING ITS SYSTEM OF SURFACE DRAINAGE.

*Chap. 338*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Melrose, for the purpose of maintaining, extending and improving its system of surface drainage, is hereby authorized to issue, from time to time, as may be required therefor, bonds, notes or scrip to an amount not exceeding one hundred thousand dollars in addition to the amount which it is now authorized to issue: *provided, however*, that the amount of such bonds, notes or scrip issued during the current year, or in any succeeding year, shall not exceed twenty thousand dollars, and that all such issues shall be subject to the provisions of section forty-eight of chapter one hundred and sixty-two of the acts of the year eighteen hundred and ninety-nine. Such bonds, notes or scrip shall be designated, City of Melrose Surface Drainage Loan, Act of 1909, shall bear

City of Melrose Surface Drainage Loan, Act of 1909.

Proviso.

interest at a rate not exceeding four per cent per annum, payable semi-annually, shall be payable at the expiration of such periods, not exceeding thirty years from the dates of issue, as the board of aldermen shall determine, and shall be signed by the treasurer and countersigned by the mayor of the city. They shall not be reckoned in determining the statutory limit of indebtedness of the city.

Sinking fund.

SECTION 2. All premiums received from the sale of bonds issued under authority of this act shall be paid into the sinking fund, which fund shall be established as provided in chapter twenty-seven of the Revised Laws.

Expenditures to be under the direction of the mayor, etc.

SECTION 3. All moneys raised under the provisions of this act shall be expended by the engineer and superintendent of public works, under the direction of the mayor and subject to the provisions of chapter forty-nine of the Revised Laws relative to the construction and maintenance of sewers and drains, and of chapter fifty of the Revised Laws relative to the assessment of betterments.

SECTION 4. This act shall take effect upon its passage.  
*Approved April 29, 1909.*

**Chap. 339** AN ACT TO INCORPORATE THE BAY STATE LIVE STOCK INSURANCE COMPANY.

*Be it enacted, etc., as follows:*

Bay State Live Stock Insurance Company incorporated.

SECTION 1. Andrew G. Hill, David L. Bolger, Henry Ober, Daniel K. Dinsmore, George H. Faxon, William A. Finney, Augustine A. Lawler, Francis Donovan and Edward J. Devers, their associates and successors, are hereby made a corporation by the name of the Bay State Live Stock Insurance Company, to have its principal office in Boston, for the purpose of insuring against the loss of live stock by death, with power to carry out its purpose in the manner to be prescribed in its by-laws.

Capital stock.

SECTION 2. The corporation shall have a paid up cash capital of one hundred thousand dollars, divided into shares of fifty dollars each, all of which shall be subscribed and paid for in cash before the corporation shall be authorized to do business.

Directors, election, term, etc.

SECTION 3. The government of said corporation shall be vested in a board of seven directors, to be chosen at the first meeting, by the subscribers to the capital stock,

who shall hold office for one year or until their successors are chosen. The number of directors thereafter shall be as prescribed in the by-laws, and the directors shall be chosen by the stockholders at each annual meeting.

SECTION 4. Except as to the amount of capital stock required, the corporation shall have all the powers and privileges and be subject to all the duties, liabilities and restrictions set forth in all general laws now or hereafter in force relating to casualty insurance companies.

Powers and duties.

SECTION 5. Said corporation shall issue no policy of insurance until the insurance commissioner has ascertained that its capital has been paid in and that it has otherwise complied with the provisions of this act, nor shall said corporation take a risk upon any one animal in excess of one thousand dollars.

Not to issue policies until capital has been paid in, etc.

SECTION 6. This act shall take effect upon its passage.

*Approved April 30, 1909.*

AN ACT TO AUTHORIZE THE HADLEY WATER SUPPLY DISTRICT TO EXTEND ITS LIMITS AND TO MAKE AN ADDITIONAL WATER LOAN.

*Chap. 340*

*Be it enacted, etc., as follows:*

SECTION 1. The inhabitants of the town of Hadley liable to taxation in that town, and residing within the territory enclosed by the following boundary lines, to wit: — Beginning at a stone bound near the Bay road, so-called, which marks an angle in the town line between the towns of Amherst and Hadley, the same being at the point at which the easterly line of the Hadley Water Supply District, as established by chapter one hundred and forty-six of the acts of the year nineteen hundred and five, diverges from the said town line; thence from the said stone bound, north, seventeen degrees, twenty-three minutes east, fourteen thousand seven hundred and sixty-four feet on the said town line, to a stone bound; thence north, eighty-six degrees nine minutes west, two hundred and seventy-one feet on the said town line to a stone bound; thence north, fourteen degrees thirty-five minutes east, one thousand nine hundred and eighteen feet on the said town line to a stone bound; thence south, eighty-seven degrees six minutes east, two hundred and seventy-three feet on the said

Hadley Water Supply District extended.

Limits of district defined.



Limits of  
district defined.

town line to a stone bound; thence north, sixteen degrees thirty-four minutes east, three hundred feet on the said town line to the northeasterly corner of the proposed addition to the Hadley Water Supply District; thence south, sixty-nine degrees ten minutes west, seven hundred and thirteen and five tenths feet to the corner of a fence; thence north, eighty-six degrees forty minutes west, along the line of a fence, seven hundred and sixty-two feet to a corner; thence south, seventy-four degrees thirty-five minutes west, three thousand and sixty feet, to the northeasterly corner of Rufus M. Smith's "Forty Acre Pasture" on the westerly side of Maple street; thence north eighty-six degrees forty-five minutes west, along the northerly line of the said pasture, and along other property lines, three thousand six hundred and sixty feet to a stake; thence north, eighty-three degrees twenty minutes west, four thousand one hundred and four and seven tenths feet to the northeasterly corner of the Hadley Water Supply District as originally established, which point is in the centre of the "Old Amherst Road" and is located north, twenty-four degrees fifteen minutes east, three hundred and seventy-eight feet from the northerly corner of a dwelling house, owned and occupied by Martin Bye; thence southerly and southeasterly, following the lines of the Hadley Water Supply District to the place of beginning, — shall be added to, and made part of the body corporate of the Hadley Water Supply District. The territory hereby annexed to said district, and the inhabitants residing therein, shall have all the powers and privileges, and be subject to all the liabilities and duties pertaining to said district under the provisions of said chapter one hundred and forty-six.

May take  
certain waters,  
water rights,  
etc.

SECTION 2. Said district, as enlarged by this act, shall have the right to take, or acquire by purchase or otherwise, in accordance with the provisions of said chapter one hundred and forty-six, such waters, water rights, lands, rights of way and easements described in said chapter as may be necessary for carrying out the provisions of said chapter or of this act.

Hadley Water  
Supply Dis-  
trict Addi-  
tional Water  
Loan, Act of  
1909.

SECTION 3. Said district, for the purpose of extending and improving its water works, may, on a majority vote of the legal voters of the Hadley Water Supply District as enlarged by this act, present and voting thereon at a legal

meeting called for that purpose, issue from time to time bonds, notes or scrip to an amount not exceeding twenty thousand dollars in addition to the amount heretofore authorized to be issued by said district for water supply purposes. Such bonds, notes or scrip shall bear on their face the words, Hadley Water Supply District Additional Water Loan, Act of 1909, and shall be issued upon the terms and conditions and with the powers specified in said chapter one hundred and forty-six for the issue of the Hadley Water Supply District Loan.

SECTION 4. This act shall take effect upon its acceptance by a majority of the legal voters of the said district, as hereby enlarged, present and voting thereon at a legal meeting called for that purpose within three years after the date of its passage. Said meeting shall be called on a petition of ten or more of the legal voters of said district as enlarged by this act, by warrant from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of said warrant in two or more public places in said district as enlarged by this act, seven days at least before the time set for said meeting, and by publishing such notice thereof as the warrant may require in any newspaper published in the county of Hampshire and circulated in the town of Hadley. The justice, or a member of the board of water commissioners of said district, shall preside at said meeting until a moderator is chosen and sworn; and for the purpose of authorizing the said meeting this act shall take effect upon its passage.

When to take effect.

*Approved April 30, 1909.*

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AN ACT TO AUTHORIZE THE GENERAL ELECTRIC COMPANY  
TO USE A PART OF THE TRACKS OF THE PITTSFIELD  
ELECTRIC STREET RAILWAY COMPANY.

*Chap. 341*

*Be it enacted, etc., as follows:*

SECTION 1. The General Electric Company, with the consent of the Pittsfield Electric Street Railway Company, which consent said Pittsfield Electric Street Railway Company is hereby authorized to give, may operate cars and engines by steam or by any electric motive power over the tracks of the Pittsfield Electric Street Railway Company on Woodlawn avenue in the city of Pittsfield, and

The General Electric Company may use the tracks of a certain street railway company.

for that purpose may construct and maintain the poles and wires incident to an overhead trolley system, if that method of transportation is used, to such extent and under such rules and regulations as the board of railroad commissioners shall determine to be consistent with public safety.

SECTION 2. This act shall take effect upon its passage.  
*Approved April 30, 1909.*

**Chap. 342** AN ACT TO PROVIDE FOR THE TAXATION OF DEPOSITS IN  
THE SAVINGS DEPARTMENTS OF TRUST COMPANIES.

*Be it enacted, etc., as follows:*

Trust com-  
panies having  
a savings de-  
partment to  
pay an annual  
tax, etc.

SECTION 1. Every trust company having a savings department, as defined by chapter five hundred and twenty of the acts of the year nineteen hundred and eight, shall pay to the treasurer and receiver general on account of its depositors in such department, an annual tax on the amount of its deposits therein, to be assessed and paid at the rate, in the manner, and at the times specified in chapter fourteen of the Revised Laws and acts in amendment thereof and in addition thereto, for the taxation of deposits in savings banks, except that in the year nineteen hundred and ten the rate of said tax shall be one eighth of one per cent, in the year nineteen hundred and eleven one quarter of one per cent, and in the year nineteen hundred and twelve three eighths of one per cent.

Return to  
be made.

SECTION 2. Every such trust company shall semi-annually make a return, signed and sworn to by a majority of its directors, of the amount of its deposits in the said department, in the manner and at the times specified in section twenty of chapter fourteen of the Revised Laws and in acts in amendment thereof or in addition thereto, for returns by savings banks of their deposits, and shall be subject to the penalties therein provided for failure to make such return or for wilfully making a false statement therein.

Exemption in  
any year not to  
be a basis for  
exemption  
from any  
other tax.

SECTION 3. No investment of such deposits exempt in any year from the tax levied by section one of this act shall be in the same year a basis for any exemption from any other tax which trust companies are required by law to pay.

SECTION 4. All deposits taxed under the provisions of section one of this act shall otherwise be exempt from taxation in any year in which said tax is paid.

Taxation of deposits, etc.

SECTION 5. This act shall take effect on the first day of January in the year nineteen hundred and ten.

When to take effect.

*Approved April 30, 1909.*

AN ACT TO AUTHORIZE THE BOARD OF RAILROAD COMMISSIONERS TO RECOMMEND RELOCATIONS OF STATIONS OF RAILROAD CORPORATIONS AND STREET RAILWAY COMPANIES.

*Chap. 343*

*Be it enacted, etc., as follows:*

Section nine of Part I of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended by inserting after the word "change", in the third line, the words:— or relocation, — so as to read as follows:— *Section 9.* If the board is of opinion that repairs are necessary upon any railroad or railway, or that an addition to its rolling stock, or an addition to or change or relocation of its stations or station houses or waiting rooms, or a change in its rates of fares for transporting freight or passengers, or in the mode of operating its railroad or railway and conducting its business, is reasonable and expedient in order to promote the security, convenience and accommodation of the public, it shall in writing inform the corporation or company of the improvements and changes which it recommends should be made.

1906, 463, § 9, Part I, amended.

Notice of necessary repairs, relocations, etc.

*Approved April 30, 1909.*

AN ACT RELATIVE TO ASSESSMENT AND REGISTRATION OF VOTERS.

*Chap. 344*

*Be it enacted, etc., as follows:*

SECTION 1. Section fifteen of chapter five hundred and sixty of the acts of the year nineteen hundred and seven is hereby amended by inserting after the word "books", in the twenty-ninth line, the words:— and, except in Boston, give immediate notice thereof to the registrars of voters,— so as to read as follows:— *Section 15.* The assessors, assistant assessors, or one or more of them, shall annually, in May or June, visit every building in their respective cities and towns and, after diligent inquiry,

1907, 560, § 15, amended.

Assessors to make lists of male persons liable to a poll tax.

shall make true lists containing, as nearly as they can ascertain, the name, age, occupation and residence, on the first day of May in the current year, and the residence on the first day of May in the preceding year, of every male person twenty years of age or upwards, residing in their respective cities and towns, liable to be assessed for a poll tax; and, except in Boston, shall inquire at the residences of the women voters whose names are contained in the list transmitted to them by the registrars under the provisions of section forty-four whether such women voters are resident thereat, and shall thereupon make true lists of the women voters found by them.

To make lists of women voters.

Inmates of the Soldiers' Home may be assessed and vote, etc.

Assessors to correct errors and supply omissions.

Any inmate of the Soldiers' Home in the city of Chelsea shall have the same right as any other resident of that city to be assessed and to vote therein.

The assessors shall, upon the personal application of an assessed person for the correction of any error in their original lists, and whenever informed of any such error, make due investigation, and, upon proof thereof, correct the same on their books. When informed of the omission of the name of a person who is averred to have lived in the city or town on the first day of May in the current year, and to have been assessed there in the preceding year, they shall make due investigation, and, upon proof thereof, supply the omission on their books, and, except in Boston, give immediate notice thereof to the registrars of voters. They shall cause all applications, certificates and affidavits received by them under this section to be preserved for two years.

1907, 560, § 41, amended.

SECTION 2. Section forty-one of said chapter is hereby amended by inserting after the word "registration", in the seventh line, the words: — and, except in Boston, they shall compare all notices of omitted assessments transmitted to them by the assessors under the provisions of section fifteen of this chapter, as amended by section one of this act, with the annual register of voters for the previous year, and if it appears to their satisfaction that any of said omitted assessments is that of a person entitled to vote in such previous year they may before the close of registration enter such name on the current annual register, — so as to read as follows: — *Section 41.* The registrars shall not, after ten o'clock in the evening of a day on which registration is to cease, register any person as a

Names not to be entered on registers after close of registration, except, etc.



voter until after the next election, but they may enter or correct upon the registers the names of persons whose qualifications as voters have been examined between the preceding thirtieth day of April and the close of registration, and, except in Boston, they shall compare all notices of omitted assessments transmitted to them by the assessors under the provisions of section fifteen of this chapter, as amended by section one of this act, with the annual register of voters for the previous year, and if it appears to their satisfaction that any of said omitted assessments is that of a person entitled to vote in such previous year they may before the close of registration enter such name on the current annual register. They shall, in every case, require the vote by virtue of which such entry or correction is made to be attested by their clerk.

SECTION 3. Section forty-five of said chapter is hereby amended by inserting after the word "section", in the third line, the words:—or in accordance with the provisions of section forty-one of this chapter as amended,—so as to read as follows:—*Section 45.* Every person, male or female, whose name has not been entered in the annual register in accordance with the preceding section, or in accordance with the provisions of section forty-one of this chapter as amended, must, in order to be registered as a voter, apply in person for registration and prove that he is qualified to register.

1907, 560, § 45,  
amended.

Registration,  
personal appli-  
cation neces-  
sary in  
certain cases.

SECTION 4. This act shall take effect upon its passage.  
*Approved May 3, 1909.*

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AN ACT RELATIVE TO THE REINSURANCE RESERVES TO BE  
CARRIED BY INSURANCE COMPANIES.

*Chap. 345*

*Be it enacted, etc., as follows:*

Section twenty of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven is hereby amended by striking out all of the first paragraph after the words "reserve to be charged to it", in the tenth line, and inserting in place thereof the following:—Such reinsurance shall reduce the gross premiums on risks in force upon which a reserve is to be carried by the ceding company only by the actual amount paid or payable by it for the reinsurance, plus the commission, if any, allowed by the reinsuring company on account of such reinsur-

1907, 576, § 20,  
amended.

ance, except that the gross premiums of the ceding company on risks in force may be reduced by the amount of the gross premium of the ceding company on the risks, or portion thereof, reinsured, upon presentation of evidence satisfactory to the insurance commissioner that the reinsuring company has included in its liabilities the full reserve on the risks, or portion thereof, reinsured, which the ceding company would by law have been required to carry, had it retained the risks, or portion thereof, reinsured, and that the ceding company has included in its liabilities the actual unearned portion, on a monthly pro rata basis, of the gross premiums on the risks, or portion thereof, not reinsured. In case the reinsurance is effected by a company as a preliminary step to its permanent retirement from business, its gross premiums on risks in force may be reduced by the amount of the original gross premium of the ceding company on the risks reinsured, — so that the first paragraph of said section will read as follows: — If a company authorized to transact the business of insurance in this commonwealth directly or indirectly contracts for or effects any reinsurance of any risk or part thereof taken by it, it shall make a sworn report thereof to the insurance commissioner at the time of filing its annual statement or at such other time as he may request; and such reinsurance unless effected in companies authorized to transact in this commonwealth the class of business reinsured shall not reduce the taxes to be paid by it nor the reserve to be charged to it. Such reinsurance shall reduce the gross premiums on risks in force upon which a reserve is to be carried by the ceding company only by the actual amount paid or payable by it for the reinsurance, plus the commission, if any, allowed by the reinsuring company on account of such reinsurance, except that the gross premiums of the ceding company on risks in force may be reduced by the amount of the gross premium of the ceding company on the risks, or portion thereof, reinsured, upon presentation of evidence satisfactory to the insurance commissioner that the reinsuring company has included in its liabilities the full reserve on the risks, or portion thereof, reinsured, which the ceding company would by law have been required to carry, had it retained the risks, or portion thereof, reinsured, and that the ceding company has included in its liabilities the actual unearned portion, on a

Sworn report  
of reinsurance,  
etc.

monthly pro rata basis, of the gross premiums on the risks, or portion thereof, not reinsured. In case the reinsurance is effected by a company as a preliminary step to its permanent retirement from business, its gross premiums on risks in force may be reduced by the amount of the original gross premium of the ceding company on the risks reinsured. *Approved May 3, 1909.*

AN ACT TO REQUIRE DEALERS IN CIGARETTES TO POST CERTAIN NOTICES. *Chap. 346*

*Be it enacted, etc., as follows:*

SECTION 1. Section three of chapter two hundred and thirteen of the Revised Laws is hereby amended by adding at the end thereof the following: — A copy of this section printed in letters not less in size than 18 point capitals, bold face, shall be posted conspicuously in the shop or other place of sale used by any person selling cigarettes at retail, and whoever violates this provision shall be punished as above prescribed, — so as to read as follows: —

R. L. 213, § 3,  
amended.

*Section 3.* Whoever sells a cigarette to a person under eighteen years of age, or whoever sells snuff or tobacco in any of its forms to a person under sixteen years of age, or, not being his parent or guardian, gives a cigarette to a person under eighteen years of age, or gives snuff or tobacco in any of its forms to a person under sixteen years of age, shall be punished by a fine of not more than fifty dollars. A copy of this section printed in letters not less in size than 18 point capitals, bold face, shall be posted conspicuously in the shop or other place of sale used by any person selling cigarettes at retail, and whoever violates this provision shall be punished as above prescribed.

Penalty for  
sale of ciga-  
rettes or to-  
bacco, etc., to  
minors.

SECTION 2. It shall be the duty of the police department of cities and towns where such exist, and of constables in towns not having a police department, to see that a copy of the said section three, as above amended, is posted in a conspicuous place where it can easily be read, in every shop or place where cigarettes are sold at retail. Any person unlawfully removing the said copy while cigarettes are still sold on the premises where it is posted shall be subject to a penalty of ten dollars.

Copy of law to  
be posted, etc.

SECTION 3. Copies of the said section, printed as above specified, shall be prepared by the state board of health,

Copies to be  
furnished by  
the board of  
health.

and shall be delivered without charge to the cities and towns applying for them.

When to take effect.

SECTION 4. This act shall take effect sixty days after its passage.

*Approved May 3, 1909.*

### Chap. 347

#### AN ACT TO DISSOLVE CERTAIN CORPORATIONS.

*Be it enacted, etc., as follows:*

Corporations dissolved.

SECTION 1. Such of the following named corporations as are not already legally dissolved are hereby dissolved, subject to the provisions of sections fifty-two and fifty-three of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three: —

A. B. & E. L. Shaw Company.  
 A. B. Cox Leather Company.  
 A. D. Windle Carbonizing Company.  
 A. F. Stowe Manufacturing Company.  
 A. G. Frothingham Company.  
 A. H. Linscott Company.  
 A. K. Mann Co., The.  
 A. L. Blackmer Company, Incorporated, The.  
 A. L. Picard Company.  
 A. S. Tucker Company, The.  
 A. W. Cheney Express Co.  
 A. W. Merrow Company, The.  
 Abell Speedometer Company.  
 Acetylene Construction Company, The.  
 Acme Broom Company.  
 Acme Foundries Company, Inc.  
 Acme Thread Works.  
 Acme Wire Mattress Co., The.  
 Adams Bobbin & Spool Company.  
 Adelphian Print Shop, Incorporated.  
 Adjustable Mast-Hoop Company.  
 Advance Polish Mfg. Co.  
 Aero Cooling and Humidifying Company.  
 Aetna Loan Company.  
 Aid-Ant Remedy Company.  
 Ajax Concrete Stone Company.  
 Ajax Specialty Company.  
 Alameda Luncheon Company.  
 Alberta Land & Wheat Company.  
 Alexander Clark Company.

Corporations  
dissolved.

Alexander Company.  
 Alger, Macfarlane Company.  
 Allen-Higgins Company.  
 Allen Machine Company.  
 Allston Drug Company, The.  
 American Automatic Advertising Company.  
 American Auto-Parts Company.  
 American Auxiliary Marine Engine Corporation, The.  
 American Bridge and Structural Preserving Company.  
 American Essential Oil Company.  
 American Folding Box Co.  
 American Genealogy Association (Inc.).  
 American Horse Remedy & Food Co.  
 American Law Association, Inc., The.  
 American Loan Company.  
 American Lock Nut Company.  
 American Manifold Book Company.  
 American Mezzo-Tint Company.  
 American Newspaper Cartoonists, Incorporated.  
 American Paper Bag Company.  
 American Parafelt Company, The.  
 American Pin Timber Company.  
 American Slate Company.  
 American Telemetre Company.  
 American Vote Bond Company.  
 Annable-Hambly Company.  
 Aronson Brothers, Inc.  
 Asa R. Minard & Company, Incorporated.  
 Asbestos Fabric Company.  
 Ashland Enameled Paper Company, The.  
 Associated Law Clubs, The.  
 Associated Stock Exchange of Boston.  
 Atlantic Brass and Iron Foundry.  
 Atlantic Coast Supply Company.  
 Atlantic Grain and Export Company.  
 Atlas Fiber Company.  
 Auburn Broken Stone Company.  
 Auro Company, The.  
 Austin and Winslow-Gallagher Express Company.  
 Authors Club and Publishing Association, Inc.  
 Automatic Electrical Fog Signal Company.  
 Automatic Glass Lock Company.  
 Automobile Sales Company, The.



Corporations  
dissolved.

Autopedic Shoeing Company.  
Autosterion Advertising Company (Inc.).  
Avery-Bates Company.  
Baker-Hunnewell Co.  
Baker Shoe Company.  
Baldwin & Whitcomb, Incorporated.  
Baldwin Pneumatic Cleaning Company.  
Baman Company, The.  
Bancroft Mill.  
Barnard-Briggs Mfg. Co.  
Bay State Broom Company.  
Bay State Brussels Company.  
Bay State Can Company.  
Bay State Clothing Company.  
Bay State Cordage Co.  
Bay State Engine Company.  
Bay State Investment Company.  
Bay State Leather Composition Company, The.  
Bay State Manufacturing Company.  
Bay State Metal Works.  
Bay State Mushroom Company.  
Bay Wrecking Company.  
Bayley Carriage Yoke Company.  
Beacon Electric Company.  
Bedford Hat Company.  
Belmont Coal Company.  
Bentley Optical Company, The.  
Berkshire Automobile Company.  
Berkshire Construction Company.  
Berkshire Motor Car Company.  
Berkshire Publishing Company.  
Berkshire Specialty Company.  
Bijou Amusement Company.  
Blackstone Market Company.  
Blake Electric Company.  
Blake Granite Company.  
Blanchard, King & Oliver Company.  
Blanchard Linotyping Co.  
Bloodine Company, The.  
Bloomberg Brothers Co. Inc.  
Bolivian Supply Company.  
Bond Wire Cloth Company.  
Bonding and Operating Co.

Corporations  
dissolved.

Booth & Company, Incorporated.  
 Borelli Silk Company, The.  
 Borison Cantor Company, The.  
 Boston Advertising Company.  
 Boston Association of Licensed Automobile Dealers,  
     Incorporated.  
 Boston Auto School (Inc.).  
 Boston Automobile Renting Company.  
 Boston Barbering Company.  
 Boston Chemical Products Co., The.  
 Boston Clothing Company.  
 Boston Colosseum Company, The.  
 Boston Construction and Supply Company, The.  
 Boston Construction Company.  
 Boston Dental Depot (Incorporated).  
 Boston Distributing Company.  
 Boston Electric Vaudeville Company.  
 Boston Emergency Service, Inc.  
 Boston Film Exchange, The.  
 Boston Finance Company Incorporated.  
 Boston Fire Patrol and Emergency Company.  
 Boston Fruit Company.  
 Boston Institute of Physical Culture, Inc., The.  
 Boston Junk Company, The.  
 Boston Leather Trimming Company.  
 Boston Lyceum Course Company.  
 Boston Mechanical Company.  
 Boston Medical Institute.  
 Boston Newspaper Cartoonists, Incorporated.  
 Boston 1 to 25 Cent Stores Company.  
 Boston Parlor Suit Company.  
 Boston Pop Corn Works Company.  
 Boston Post-Card Company.  
 Boston Publishing Company.  
 Boston-Siam Tin Company.  
 Boston Suburban Express & Parcel Company.  
 Boston Trading Company.  
 Boston True Flag Publication Company.  
 Boston Waste Company.  
 Bowen Manufacturing Company.  
 Box Makers Exchange.  
 Bridge Street Market Company.  
 Briggs Seaver Company.

Corporations  
dissolved.

Brigham Woolen Company, Inc.  
 British-American Company, The.  
 British-American Land & Development Company.  
 Broadway Five and Ten Cent Store, Inc., The.  
 Brockton Beef Company.  
 Brockton Roller Skating Company.  
 Brockton United Co-operative Grocery Company.  
 Bromfield Inn Company.  
 Broughton Asbestos Fibre Company.  
 Brown Couch Bed Corporation.  
 Brown Hill Mining Co.  
 Buchanan Amusement Company, The.  
 Buck-Price Company.  
 Burmester Rubber Company.  
 Burnett Paint Company.  
 Butman & Stone Company.  
 C. and C. Tool and Machinery Company.  
 C. E. Woodward & Co. Incorporated.  
 C. Fred Hard Insurance Agency, Incorporated.  
 C. H. Crosby Co.  
 C. H. Jordan Company.  
 C. H. Russell Grocery Company.  
 C. L. Hoyt Company, The.  
 C. M. Clark Publishing Company.  
 C. P. Alden and Son, Incorporated.  
 C. S. Viall Chair Company, The.  
 C. W. Moore Company.  
 C. W. Rice Company.  
 C. W. Spencer Company.  
 Calhoun & Witherbee Company.  
 Callahan Supply Company.  
 Cambridge Amusement Company.  
 Cambridge Co-operative Press.  
 Cambridge Lithuanian Coöperative Association.  
 Cambridge Shoe Repairing Company, Incorporated,  
     The.  
 Campello Carriage and Harness Company.  
 Cape Cod Transportation Company, The.  
 Cape Poge Ferry Company.  
 Capitol Wine and Spirit Company.  
 Captive Wild Duck Flying Machine Company, The.  
 Carpenter Manufacturing Company, The.  
 Carruth-Willard Wine & Grocery Company.

Corporations  
dissolved.

Cassidy Medical Company.  
 Castle Square Amusement Company.  
 Catholic Music Publishing Company, The.  
 Caton Medical Specific Company.  
 Cedar Street Grocery Company.  
 Central-America Banana Company.  
 Central Lumber Company.  
 Central Manufacturing Company.  
 Century Light Company of America.  
 Chambers Wood Stain and Polish Company, Inc., The.  
 (Org. 1905.)  
 Chambers Wood Stain and Polish Company, Inc., The.  
 (Org. 1906.)  
 Charak Brothers Company.  
 Charak Tea Company.  
 Chas. A. Jenkins Company.  
 Charles A. White Company.  
 Charles B. Osgood Company, The.  
 Chas. E. Brown Publishing Company, The.  
 Charles F. Kelly Company.  
 Charles H. Joyce Company.  
 Charles H. Merrill Company.  
 Charles Holmes Machine Company.  
 Chester F. Rice Company.  
 Chester Manufacturing Company.  
 Chicago Amusement Company.  
 City Directory Corporation.  
 City Laundry Company.  
 Clara Barton Mining Company.  
 Clark-Clary Publishing Company.  
 Clark-Sheldon Printing Co.  
 Clark-Smith Company.  
 Clemons Electrical Manufacturing Company.  
 Clifford Barber Supplies Company.  
 Climax Lubricator Company, The.  
 Clinton D. Martin Company.  
 Coal Consumers Association of Lawrence, The.  
 Cobalt Investment & Engineering Company.  
 Cobleigh Comb Company.  
 Cochin Company.  
 Coffin Valve Company.  
 Cohen Stable Co. Inc., The.  
 Coliseum Amusement Co., The.

Corporations  
dissolved.

Colonial Diamond Mining Company.  
Colonial Drug Company.  
Colonial Engineering & Construction Company, The.  
Colonial Rubber Company.  
Columbia Counter Company.  
Columbia Grocery Company.  
Columbia Shade Cloth Company.  
Columbian Tobacco Company.  
Commercial Corporation.  
Commercial Printing & Binding Company.  
Commonwealth Clothing Company.  
Commonwealth Machine Company.  
Commonwealth Vending Machine Company, The.  
Concrete Block Co.  
Confection Food Company.  
Connecticut Valley Grain Company.  
Connors Brothers Construction Company.  
Consolidated Chemical Company.  
Consolidated Cranberry Company.  
Consolidated Drug Stores Company, The.  
Consolidated Realty Company.  
Constant Ventilator Company.  
Consumers' Coal Co.  
Consumers' Milk Company.  
Cooke's, Inc.  
Coolidge Corner Associates (Incorporated), The.  
Coöperation Building Company.  
Coöperative Store Company.  
Corbin Car Company of Boston.  
Corn Crystal Company.  
Cornell Stocking Corporation.  
Corona Kid Company.  
Corporation Finance & Investment Company.  
Corporation Trust and Investment Company.  
Corrugated Still Company.  
Crandall Inventions Company.  
Credit Adjustment Company.  
Creditors' Law and Protection Co., The.  
Criterion Company, The. (Org. 1907.)  
Crown Dyeing Company.  
Crown Luncheon Company, The.  
Crown Soap Works Inc., The.  
Crucible Steel Company of Massachusetts.



Corporations  
dissolved.

Crystal Lake Hotel & Lumber Company.  
 Cumberland Lumber Company.  
 Cunningham Engineering Company, The.  
 Cunningham Iron Company.  
 D. H. Cornell Packing Company, The.  
 D. L. Marshall Company.  
 D. W. Hunt Company Inc., The.  
 Daggett Remedy Company, The.  
 Daily Commercial Company.  
 Dalton & Hill Inc.  
 Dana Confectionery Company.  
 Danvers News Company.  
 Darby Manufacturing Company.  
 Davis & Dudley Ice Cream Company.  
 Davis Construction and Machinery Company, The.  
 Davis Cut Sole Company.  
 De Long Box & Lumber Company, The.  
 Deery Process Leather Company.  
 Demoris Brothers Company.  
 Demosthenes K. Reveleotes Company.  
 Dennis and Carroll Company.  
 Diabolo Company.  
 Dice Puzzle Company.  
 Dickinson Hard Rubber Company.  
 Dietz Engineering Company.  
 Dingle, Wetherbee Company.  
 Discount Advertising Company.  
 Dr. Geo. W. Swett Company. (Org. 1906.)  
 Dr. Weinstein's Medical Offices, Inc.  
 Dodge-Spear Co.  
 Dover Furnace Company.  
 Draper Publishing Company.  
 Dudley Auto School Co.  
 Dunklee Company.  
 Dunster Cafe, Incorporated, The.  
 Dunton Printing Company.  
 Duo Motor Company, The.  
 Dupalet, Incorporated.  
 Dupuis Manufacturing Co.  
 Dustin Pile Carpet & Plush Company.  
 Dwight Automobile Company.  
 E. A. Hale Company.  
 E. A. Whitney Company.

Corporations  
dissolved.

E. C. Sands Company, The.  
E. F. Worcester Press.  
E. F. Young Company.  
E. Gerry Emmons Corporation.  
E. J. Salisbury Company, The.  
E. K. B. Garter Co., The.  
E. P. Fowle Company.  
E. Russell Company.  
E. S. Ensign Company, Ltd.  
E. T. Cowdrey & Co., Inc.  
E. T. Ricker Shoe Company.  
E. W. Stuber & Co., Inc.  
Eagle Express Company.  
Eagle Overall Company.  
Earle Chemical Company.  
Earthworks Company.  
Eastern and Western Woolen Company.  
Eastern Farm Company.  
Eastern Forge Co. of Massachusetts.  
Eastern Motor Vehicle Company.  
Eastern Optical Company.  
Eastern Press Company, The.  
Eastern Press, Incorporated, The.  
Eastern Souvenir Company.  
Eastern Supply Company.  
Eaton Leather Company.  
Economy Shoe Company, The.  
Edgar P. Lewis Confectionery Company.  
Edison Electric Illuminating Company of New Bedford, The.  
Edlund Floor Surfacing Machine Company.  
Edward J. Walsh Company.  
Edwardes and Merrill Company.  
Edwin C. Fisher Company.  
Electric Cable Joint Company.  
Electric Confection Company.  
Electric Shoe Cleaning Machine Company.  
Electro Gravity Clock Co.  
Elgin Churning Company.  
Eliot Clothing Company.  
Ellis Foundry Company.  
Elm Stock Farm, Inc.  
Elo Cooperative Grocery Company.

Elwell Shoe Company.  
 Emergency Medical Company.  
 Empire Express Company.  
 Employers and Employees Cooperative Bureau (Inc.).  
 Equal Division Prospecting and Development Company.  
 Equitable Security Company, The.  
 Essex Contracting Company.  
 Essex Express Company.  
 Essex Leather Company.  
 Essex Paper Company, The.  
 Eureka Button Company.  
 Evans Apartment Company.  
 Everett Home Laundry Company.  
 Everett Hospital and Sanitarium Company.  
 Excelsior Laundry Company.  
 Excelsior Laundry of Salem, Inc.  
 Excelsior Leather Company.  
 Excelsior Mills.  
 F. A. Clark Company.  
 F. C. Maude Company.  
 F. E. Lake Piano Company.  
 F. H. Danforth Company.  
 F. H. Roberts Company.  
 F. P. McGlynn Company.  
 F. X. Brunelle Manufacturing Company.  
 Fall River Cold Storage Company.  
 Fall River Ice Cream Company.  
 Fall River Quarry & Construction Company.  
 Family Grocery Co., The.  
 Family Medical Protective Association, The.  
 Famous Clothing Company.  
 Fashion Stores Company, The.  
 Federal Underwriting & Finance Co.  
 Fellner Company.  
 Ferd C. Baker Painting Company.  
 Ferrofix Brazing Company.  
 Fibre Grass Company, The.  
 Fidelity Carbon Paper Company.  
 Fidelity Listed Securities Corporation.  
 Fitchburg Auto-Transit Company.  
 Fitzpatrick Shoe Company.  
 Flanders Shoe Company.  
 Fletcher Aluminum Novelty Company.

Corporations  
dissolved.

Corporations  
dissolved.

Flexible Urinal Joint Company, The.  
Florida Development Corporation.  
Flower Brothers Medical Company.  
Follett Wool Company.  
Ford Silicate Stone Company.  
Fore River Company.  
Foreign Language Press.  
Foster Manufacturing Company.  
Fox's New Custom Laundry Company.  
Frances Manufacturing Company.  
Frances Mining Co., The.  
Frank Preble Paper Company, The.  
Fred J. Read Corporation, The.  
Frederick Taylor Company.  
French-American Fishery Company.  
French Remedies Company.  
Furbush-Lewis Company, Inc.  
G. C. Jewell & Son Company.  
G. E. Brown Building Company.  
G. F. Frost Coal Company.  
G. Ferullo Company. (Org. 1905.)  
G. W. D'Arcy Company, The.  
Geisel Automobile Company.  
George A. Sutherland Company.  
Geo. C. Bosson, Jr., Company.  
Geo. C. Gill Paper Company, The.  
George Couzoules Ticket Company Incorporated.  
George G. Norris Company.  
George H. Wood Company. (Org. 1889.)  
George L. Belledou Company.  
Geo. L. Tulloch Co.  
George W. Beardsley Piano Company.  
George W. Justus Company, The.  
George Whitney Woolen Company.  
German American Printing Coöperative Association,  
The.  
Gifford-Pinel Company.  
Gihon Brothers' Manufacturing Company.  
Gilman Hat Company, The.  
Glass Printing Company.  
Glidden Varnish Company of Boston, The.  
Globe Corset Company.  
Golden Wine Company, The.

- Gonia Bowling-Alley Surfacing Machine Company, The. Corporations dissolved.
- Good Hope Packet Company.
- Goodrich Construction Company.
- Gordon and Company, Inc.
- Gorman Commission Company, The.
- Graham's Automobile Spring and Appliance Company.
- Granite State Box Company.
- Grant and Hinkley Lumber Company.
- Gray Envelope Company.
- Green Harbor Hotel Company.
- Greene Electric Light, Power and Manufacturing Company, The.
- Greenfield Credit Exchange (Incorporated), The.
- Grill, Incorporated, The.
- Guardsman Publishing Company, The.
- H. A. Seavey Company.
- H. D. Comerai's Motor Car Company, The.
- H. E. Webster Company.
- H. H. Fernald Company, The.
- H. J. Quimby Freight Forwarding Company, The.
- H. K. Lyman Company.
- H. M. Milliken & Co., Incorporated.
- H. M. Upham Company.
- H. P. Wheatley Shoe Company.
- H. Rubin and Son, Inc.
- Hadley Tornado Proof Building Company.
- Hale Leather Company.
- Halebrook Manufacturing Co.
- Halifax & Suburban Railway Construction Company.
- Hall Manufacturing Company.
- Hampson-Nicholls Company.
- Hanover Hardware Company.
- Harbor Towing & Supply Company.
- Harmon Equitable Loan Co.
- Harrington Ring and Traveller Company.
- Harrington's Auto Station No. 1.
- Harris-Fitch Company, The.
- Harshbarger Technic and Industrial College of Ladies Garment Making, The.
- Harvard Lunch and Catering Company.
- Harvey & Gage Amusement Company.
- Harvey Manufacturing Company.
- Hathaway Amusement Corporation.



Corporations  
dissolved.

Hathaway Book Binding Company, The.  
Hathaway Soule & Harrington Incorporated.  
Hawks' Bay Lumber Company.  
Hawley Clothing Co., The.  
Hayden Photographic Manufacturing Company.  
Health Protective Union, Inc.  
Hedlund Cooperative Shoe Company.  
Help Yourself School, Incorporated.  
Henderson Manufacturing Company.  
Henry Adams Pharmaceutical Company, The.  
Henry Manufacturing Company.  
Hercules Belt Lacing Company, The.  
Herr and Raftus Co.  
Higgins and Gifford Boat Manufacturing Company.  
Higgins, Snow Company.  
High Grade Premium Company.  
Highland Baking Company.  
Hill Amusement Company (Inc.).  
Holly-Kendall Co., The.  
Holman-Paige Shoe Company.  
Holmes Brothers Building Company.  
Holmes Knitting Company.  
Holmes Market Co., The.  
Holmes Motor Vehicle Company.  
Holton Stamp Company.  
Holyoke Provision and Cold Storage Company.  
Holyoke Pythian Building Association, The.  
Holyoke Snath Company.  
Home Newspaper Publishing Company.  
Honeycomb Mining Company.  
Horace E. Smith Company.  
Horace S. Johnson & Co. Incorporated.  
Houseboat Vacation Company.  
Howe Spring Mattress Company.  
Hub Amusement Company, The.  
Hubley Manufacturing and Supply Company.  
Hudson River Paper Company.  
Hurl Company.  
Huxham Pad Company, The.  
Hyde and Court Advertising Company.  
Hydriad Manufacturing Company, The.  
I. S. Lion Paper Co.  
Ideal Butter Cutter Co., The.

Imperial Storage Battery Company.  
 Improved Blind-Hinge Manufacturing Company, The.  
 Improved Cue Tip Company.  
 Incorporation and Audit Company.  
 Independent and Auxiliary Gas Company, The.  
 Independent Cigar and Tobacco Co.  
 Independent Company.  
 Insinger Company, The.  
 Intaglio Plate Company.  
 International Asbestos Co., The.  
 International Clothing Company.  
 International Development Company.  
 International Fibre Company.  
 International Patents Company.  
 International Printing Press Company.  
 International Supply Company of New England.  
 Interstate Gas Illuminating Company.  
 Interstate Packing & Provision Company.  
 Inter-Urban Amusement Company, The.  
 Intervale Sanatorium, Inc.  
 Invincible Renovator Sales Company.  
 Italian Cooperative Association of America.  
 J. B. Cook Piano Company.  
 J. B. Holtz Company, Incorporated.  
 J. C. Cowles Company.  
 J. C. Gillman Company.  
 J. C. Heymer & Son Company.  
 J. F. Gearan Drug Company.  
 J. F. Kimball Company.  
 J. G. McCarter Company.  
 J. H. Butler Lumber Company.  
 J. H. Costello Company.  
 J. H. Low Company.  
 J. J. Colan Company, The.  
 J. J. Kennedy Liquor Co.  
 J. J. Round Company.  
 J. J. Warren Company.  
 J. Jacobs Company.  
 J. L. Goding Company.  
 J. L. Wolfe Shoe Co.  
 J. M. Murray & Company, Incorporated.  
 J. N. Pike Company.  
 J. P. & W. H. Emond (Incorporated).

Corporations  
dissolved.

Corporations  
dissolved.

J. P. Foley Co., The.  
J. P. Thwing Company.  
J. R. Qualey Granite Company.  
J. W. Doty Cigar Co. (Inc.).  
Jackson Dick Company.  
Jackson Manufacturing Company.  
Jamaica Plain Automobile Company.  
James G. Tarr Fish Glue and Marine Paint Corporation.  
James S. Wells Company.  
James Solomont and Bros., Inc.  
Jas. W. Gifford Company.  
Jap Fly Trap Company.  
Jewett Cove Ice Company.  
John A. McPherson Company.  
John J. Kingsley, Inc.  
John S. Jacobs & Son Co.  
Johnston Chemical Compounding Company, The.  
Jordan Photographic Company.  
Joseph M. Daly Music Publishing Company, The.  
Joseph Ross Corporation.  
Justin F. Bartlett Company.  
Kedzie Manufacturing Company, The.  
Keene Screen Company, The.  
Kempster Antifriction Roller Bearing Company.  
Kenney Hotel Company.  
Keyes-King-Greenlaw Company.  
Kilbourn Faucet Co., The.  
Kimball Hadley Company, The.  
King Barrel Company, The.  
King Chemical Corporation.  
King Factories, Inc., The.  
Kingston Produce Company.  
Kitson Machine Company.  
Klein's Pharmacy.  
Knight and Munsie Chemical Company.  
Knowles Loom Works.  
L. A. Littlefield Silver Company.  
L. H. Berman & Co. Inc.  
L. L. Rounseville Company.  
L. Sprague Company.  
L. W. Davis Cut Sole Company.  
Lake Maranacook Hotel, Cottage and Camp Company.

Corporations  
dissolved.

Lake Piano Company.  
 Lakeside Improvement Company.  
 Lakeside Shoe Company.  
 Lamitie Dry Goods Company.  
 Las Palmas Cassava Starch and Cattle Company.  
 Lawn Crest Inn Company.  
 Lawrence Construction Company.  
 Lawrence Shuttle Company.  
 Lawrence Spool and Bobbin Company, The.  
 Lawyers Information Bureau.  
 Le Clair Restaurant Company, Incorporated.  
 Le Courier Publishing Company.  
 Le Franco-Americain Publishing Company.  
 Leather Products Company.  
 Leland Manufacturing Company.  
 Leo E. Bova Company.  
 Leominster Coal Company.  
 Leominster Hardware Company.  
 Levine Brothers' Shoe Company.  
 Lewis Shoe Company. (Org. 1905.)  
 Lexington Associates, The.  
 Lincoln-Littlefield Hat Company.  
 Linham Lumber Company.  
 Liquid Wall Paper Company.  
 Lombard Instrument Company.  
 Lopas Company, The.  
 Lorora Manufacturing Company.  
 Louis W. Cutting Company.  
 Lowell Scale Company.  
 Luxemoor Company, The.  
 Lyman A. Bowker Company.  
 Lynn Box Company.  
 Lynn Re-Toe Last Company.  
 Lynn Tube Trolley Track Company.  
 Lynn Wood Works Company.  
 Machado Company, The.  
 Machinery Supply Company, The.  
 MacKenzie & Hodgkin Company.  
 Magazine Company, The.  
 Magic Bridge Company.  
 Main Mercantile Agency, Inc.  
 Malden Drug Company.  
 Malden Loan Company.

Corporations  
dissolved.

Manhattan Lunch Company.  
Manufacturers' Association, The.  
Manufacturers Union Company, The.  
Marblehead Neck Club Stable Company, The.  
Marble-ite Company, The.  
Marlborough Equipment Company.  
Marley Brothers Company.  
Marsh Press Co., The.  
Marshall Electric Manufacturing Company.  
Martin Bates and Sons, Inc.  
Martin Shoe Machinery Co.  
Martin Skate Company.  
Marxe & Hull, Incorporated.  
Mashgara Unity Association.  
Mason Shoe Company, The.  
Massachusetts Abstract Company.  
Massachusetts Adjustment and Investigation Bureau,  
The.  
Massachusetts Amusement Company.  
Massachusetts Audit Company.  
Massachusetts Ball and Machine Company.  
Massachusetts Brass & Iron Company.  
Massachusetts College of Physical Culture Co.  
Massachusetts Electrical Equipment Company.  
Massachusetts Investors Security Company.  
Massachusetts Merchandise Company.  
Master Soap Co.  
Mather Loan Co., The.  
McCune Auto Company.  
McNutt's Island Hotel and Excursion Co., The.  
Meadow Brook Farm Company.  
Med-Bow Automobile Company.  
Medfield Manufacturing Company.  
Medway Woolen Company.  
Mellish and Byfield Company Incorporated.  
Melrose Ice Company.  
Mercantile Law and Collection Company.  
Merchants Advertising Coupon Company.  
Merchants' Furniture Exchange.  
Merchants' Supply Company.  
Merrill Piano Company, The.  
Merrimack Piano Stool Company.  
Merry Job Print, Incorporated.



Metropolitan Building and Repair Company.  
 Metropolitan Lumber Company.  
 Metropolitan Wood Company, Incorporated.  
 Middlesex Horse Association, The.  
 Middlesex Knitting Mills.  
 Middlesex Manufacturing Co.  
 Middlesex Shoe Company.  
 Milford Machine Company.  
 Miller College of Sign Art, Inc.  
 Miller Co., The.  
 Mills and Knight Company.  
 Mills Smith Company.  
 Milton Company.  
 Misses Glantzberg, Incorporated, The.  
 Model, Incorporated, The.  
 Model Neckwear Company.  
 Modern Methods Company.  
 Mohawk Manufacturing Company.  
 Monarch Oil Company, The.  
 Montague Co-operative Creamery Association, The.  
 Moore-Prentiss Agency, Incorporated, The.  
 Morgan Manufacturing Company.  
 Morse International Agency.  
 Morse-Purce Co.  
 Moselle Wine Company, The.  
 Moss Florist Company.  
 Motor Amusement Company.  
 Motor Supplies Company.  
 Mount Desert Lumber Company.  
 Mount Hope Iron & Steel Manufacturing Company.  
 Mount Peak Mining and Chemical Company.  
 Multiple Annunciator Company.  
 Multiple Phonograph Company.  
 Multiplex Automatic Advertiser Company.  
 Municipal Wastes Disposal Company, The.  
 Munkley and Company, Inc.  
 Munroe and Knight Machine Screw Company.  
 Musola Company, The.  
 Mutual Investment Company.  
 Mutual Oil Company of Illinois.  
 N. B. Lindsey Company.  
 N. C. Skilton Company.  
 N. E. Woods Company.

Corporations  
 dissolved.

Corporations  
dissolved.

N. J. Hardy Company.  
N. R. B. Cigar and Tobacco Company, The.  
N. W. Taylor & Son's Company.  
Nantasket Transportation Company, The.  
National Amusement Company. (Org. 1907.)  
National Coupon Company.  
National Discount Company.  
National Fire Appliance Company.  
National Lithograph Company, The.  
National Milling Company.  
National Press Bureau Inc.  
National Registry Bureau and Realty Company.  
National Registry Company.  
National Screw Company, The.  
National Spiral Fire-Escape Company, The.  
National Tire Company.  
National Window Cleaning Machine Company.  
Naunkeag Express Company.  
Naunkeag Paper Company.  
Navajo Securities Company.  
Nelson Manufacturing Company.  
Neosho Manufacturing Company.  
Neponset Distributing Company.  
New Bedford Coöperative Coal Company.  
New Bedford Gas Engine Company, Incorporated.  
New Bedford Granite Company.  
New England Abrasive Company, The.  
New England Adamant Securities Company.  
New England Automobile Equipping Company.  
New England Coal Company.  
New England Comb Co., Incorporated.  
New England Dairy & Machine Company.  
New England Dairy Supply Company.  
New England Dredging Company.  
New England Effectile Company.  
New England Fibre Company.  
New England Furniture Manufacturing Company.  
New England Heating Co.  
New England Hen Nest Manufacturing Company.  
New England Inspection Company.  
New England Iron & Steel Corporation.  
New England Laundry Supply Company.  
New England Law Protective Association.

New England Lubricator Company.  
 New England Narrow Fabric Co.  
 New England Newspaper Cartoonists, Incorporated.  
 New England Note-Discounting Associates, Inc.  
 New England Novelty Photograph Company.  
 New England Office Appliance and Business Systems  
     Show, Inc.  
 New England Office Supplies Company.  
 New England Printing and Engraving Company.  
 New England Ramie Manufacturing Company.  
 New England Shoe Repairing Machinery Company.  
 New Hampshire Ice & Fuel Company.  
 New Process Dyeing Company, The.  
 New Western Reduction Company.  
 New York Hide & Leather Company.  
 News Clearing House Company.  
 Nichols-Magee Construction Company.  
 No-Leak Fountain Pen Company.  
 Norfolk County Creamery Company.  
 North Adams American Hospital Aid Association, The.  
 North Adams Co-operative Association, The.  
 North Eastern Lumber Company.  
 North End Express Company.  
 North End Garage Company.  
 North End Shoe Store, Incorporated.  
 North Shore Electric Company.  
 Northampton Sales Co.  
 Northeastern Sheep Raising Company, The.  
 Northern Automobile Agency.  
 Northern Leather Company.  
 Northern Machine Company.  
 Northern Paper Mills Company.  
 Nova Scotia Mining and Smelting Co.  
 Nowlan Mailing Co., The.  
 O. D. Brett Company.  
 Observation Auto Company.  
 O'Donnell Company, The.  
 Office Men's Registration Bureau, Inc.  
 O'Gara Construction Company.  
 O'Keefe Cloak Company, The.  
 Old Colony Antique Company.  
 Old Colony Development Company.  
 Old Colony Silver Company.

Corporations  
dissolved.

Corporations  
dissolved.

Orange Cash Grocery Company.  
Oriental Hall Association.  
Oriental Hammock Company.  
Osterhout Livery Company.  
Otis Fibre Board Co.  
Otter River Telephone Co.  
Owen Manufacturing Company.  
Owens Brothers Hillson Company.  
Oxford Angora Goat Company, The.  
Ox-O-Tonic Company, The.  
P. & R. Tea and Coffee Company (Incorporated), The.  
P. H. Comer Company.  
P. R. Bean Furniture Company.  
Page-Taylor Mfg. Co., The.  
Paralok Binder Company.  
Parker Chemical Company.  
Parmalee Ink Company, The.  
Passmore Gem Company, The.  
Paul Revere's Ride Co., The.  
Peabody Company, The.  
Penn. Automobile Supply Company.  
Pentecost Gravity Elevator Company.  
Peoples Express Company of Bellows Falls and Gardner, The.  
People's Legal Security Company.  
Peoples Lumber and Manufacturing Co.  
People's Telephone Company, The.  
Pepperell Manufacturing and Building Company.  
Peptett Dyspepsia Cure Company.  
Percy & Morse Publishing Company.  
Percy Rug Company.  
Perkins Hotel Company.  
Perry Medicine Company.  
Petrillo Clock Co., The.  
Phillips Heating & Supply Co.  
Physicians' Publishing Co.  
Pickering Manufacturing Company.  
Pigeon Cove Harbor Company.  
Pike Manufacturing Company.  
Pileoff Drug Company.  
Pilgrim Investment Co.  
Pillman Hose-Reel Company.  
Pinault Company, The.

Pine Needle Company.  
 Pinkham Construction Company.  
 Pittsfield Coöperative Store.  
 Pleasant Street Associates, Incorporated.  
 Plymouth County Cranberry Company.  
 Plymouth Woollen and Cotton Factory, The.  
 Point of Pines Attraction Company.  
 Point of Pines Park, Incorporated.  
 Pond Machine Tool Company.  
 Ponemah Shuttle Co.  
 Portuguese Supply Company.  
 Position Exchange, Incorporated.  
 Postage Stamp Register and Holder Company, The.  
 Powell Press Company, The.  
 Pratt Construction and Engineering Company.  
 Premier Manufacturing Company.  
 Preston Piano Company.  
 Progress Amusement Company.  
 Progressive Publishing Company, The.  
 Public Stock and Grain Company.  
 Pure Evaporated Food Company of Massachusetts.  
 Puritan Cloak and Clothing Company.  
 Puritan Construction Company.  
 Puritan Food Manufacturing Company, Inc.  
 Puritan Furniture Company.  
 Pushin Hook & Eye Company, The.  
 Putnam Nail Company.  
 Pyro Art Company.  
 Quaker Machine Company.  
 Quansett Spinning Company.  
 Quincy Public Market Co., The.  
 R. P. Jones Co.  
 Rand Dairy Lunch Company, The.  
 Randall & Bridge, Incorporated.  
 Randolph Clothing Company, The.  
 Rawlins Glove Co., The.  
 Read & Read Company.  
 Reading Shoe Stock Co., Incorporated, The.  
 Real Estate Information Bureau, The.  
 Regal Mercantile Company.  
 Reliance Manufacturing Company.  
 Rhode Island Sanitary Dust Removing Company, The.  
 Richmond-Goldman Company.

Corporations  
dissolved.



Corporations  
dissolved.

Robert C. Bundy Company.  
Robert I. Kendall Company.  
Roberts Company.  
Rockingham Brick Company.  
Rockingham Express Company.  
Rockland Company.  
Rockland Elastic Fabric Company, The.  
Rockland Factory Building Association.  
Rogers Airship Company.  
Rogers Amusement Company.  
Rogers & Co., Inc.  
Rogers Company, The.  
Rose Cures Company, The.  
Round Hill Stock Farm Company.  
Roxbury Catering Company.  
Royal Vending Machine Company, The.  
Rubo Company, The.  
Rufus Perkins Banking & Brokerage Company.  
Rush Motor Car Company.  
Russell Falls Paper Co.  
Russian Echo Publishing Company.  
Rust and Richardson Drug Company.  
S. Blackington Woolen Company.  
S. D. Munro Co., The.  
S. M. Scribner Paper Co., The.  
S. S. Grady Company.  
S. S. Grady Co., Ltd.  
S. S. Kilburn Co.  
S. Shriber Company.  
St. George's Brick Company.  
St. Lukes Electropathic Institute.  
Salary Loan Association.  
Salem and South Danvers Oil Company.  
Salem Gazette Company.  
Salem Machine Knives Company, The.  
Salem Mechanic Hall Corporation.  
Samuel A. Molin Drug Company.  
Sanders and Barrows Clothing Company.  
Sandler Mfg. Co.  
Sandwich Glass Company.  
Sargent Company.  
Sargent Teaming and Rigging Company.  
Sarkisian & Parker Co.

Scandia Coöperative Grocery Company.  
 Schirmer Hair Grower Company.  
 School of Employment, Ltd., The.  
 Schweizer Fuel Saving Company.  
 Scituate Polished Brick, Stone and Tile Company.  
 Scotia Cranberry Company, The.  
 Sea Wave Manufacturing Company.  
 Security Finance Company.  
 Selkwik Company, The.  
 Selwyn Billiard Company.  
 Selwyn Palm Room Company.  
 Shadduck & Green Company.  
 Shailor Manufacturing Company.  
 Shattuck's Men's Shop, Incorporated.  
 Shawmut Granite Company.  
 Sheffield Light and Power Company, The.  
 Sheldon Corporation, The.  
 Shirley L. Ames Co.  
 Shoe Manufacturers' Auction Clearance Sale (Inc.).  
 Silsby-Atwater Corporation.  
 Silverease Company.  
 Simplex Engine Company.  
 Simplex Manufacturing Company.  
 Single Stave Barrel Sales Company.  
 Smith Brothers' Manufacturing Company.  
 Smithfield Company, The.  
 Smokerette Manufacturing Company.  
 Snow & Davis Company.  
 Somerville Grain Co.  
 Somerville Sanitarium Company, The.  
 Sommer Company.  
 South Atlantic Trading Company.  
 South Boston Amusement Company.  
 South Boston Storage Warehouse Company.  
 South Shore Garden Company.  
 Sparrell Print, The.  
 Spinney Wise Company.  
 Springfield Eureka Hard Plaster Company, The.  
 Springfield Machine Screw Company, The.  
 Springfield Paper Box Company.  
 Springfield Ruling Machine Company.  
 Standard Emery and Polishing Wheel Company.  
 Standard Extract Company.

Corporations  
dissolved.

Corporations  
dissolved.

Standard Last Company.  
Standard Light Manufacturing Company.  
Standard Machine Company.  
Standard Manufacturing and Supply Company.  
Standard Paper Bag Company.  
Standard Polishing Wheel Company.  
Standard Steam Automobile Company.  
Standard Thermostat Equipment Company.  
Standard Utility Company.  
Stanley & White Automobile Company.  
Stanley Instrument Company.  
Star Coal Company.  
Star Last Company.  
Star Light Specialty Company.  
Star Luncheon Corporation.  
State Investment Company.  
State Street News Company.  
State Street Stock Company.  
Stephen Jennings Company.  
Sterling Slipper Company.  
Still River Slate and Manufacturing Company.  
Stone Express Company.  
Stone Wireless Construction Company.  
Strecker Press, Inc., The.  
Suffolk Construction Company.  
Suffolk Co-Press, The.  
Suffolk Print, The.  
Sullivan Tucker Company.  
Sunnyside Mining Company, The.  
Sunset Lake Hotel Company.  
Surgeons Light Appliance Company.  
Swedish Mercantile Co-operative Company, The.  
Sweezy Lumber Company, Inc.  
Swift River Paper Company.  
T. A. Peterson Company.  
T. B. Farmer Company.  
T. F. Tuttle Silver Company.  
T. M. Arnold & Co., Inc.  
T. N. Fetherston & Co. Inc.  
T. Raiche Company.  
T. S. Wentworth Co.  
Talbot Chemical Company.

Taunton Baseball Association, The.  
 Taunton Collateral Loan Association, The.  
 Taunton Motor and Machine Company.  
 Taxicar Company.  
 Taylor Manufacturing Company.  
 Taylor Tire Company.  
 Taylor Woolen Company.  
 Technical Company, The.  
 Teel & Keyes Company.  
 Temple Court Company, The.  
 Terminal Wine Company.  
 Textile Machinery Specialty Company, The.  
 Thomas Long Company, The.  
 Thomas Supply Company.  
 Thompson and Harlow Company.  
 Tisdale-Russell Company, The.  
 Tisit Home Cure Company.  
 Tisit Medicine Company.  
 Traveller Publishing Company.  
 Travis, Coburn Company.  
 Tremont Automobile Company.  
 Tremont Manufacturing Company.  
 Tribune Newspaper Company, The.  
 Trimount Publishing Company.  
 Trolley Express Company.  
 Troy Brazing Company.  
 Tucker Corporation, The.  
 Tudor Farm (Inc.).  
 Tufarolo and Cicchetti Company, The.  
 Tullock's Boston Dental Association.  
 Turners Falls Lumber Company.  
 Turners Falls Machine Company.  
 20th Century Amusement Company, The.  
 Twill Be Cleaner Mfg. Co.  
 U. S. Drug Specialty Company.  
 Union Construction Company.  
 Union Express Company.  
 Union Manufacturing Company.  
 Union Pork Company.  
 Union Seed Company.  
 United Building & Construction Company.  
 United Concrete Machinery Co. of Massachusetts.

Corporations  
dissolved.

Corporations  
dissolved.

United Electric Signal Company.  
United States and Kilby Window Cleaning & Care  
Company.  
United States Apparatus and Instrument Company.  
United States Carpet Polishing Buffs Manufacturing  
Company.  
United States Credit Company.  
United States Fish & Glue Company.  
United States Security Company.  
United States Specialty Company.  
United States Tourists Bureau for Free Information,  
Inc.  
United States Water Heater and Light Company.  
Universal Supply Company.  
Universal Ventilator Company.  
Universal Wrench Company.  
University City Laundering Company, The.  
University Cut Glass Company, The.  
Uplift Publishing Company, The.  
Ury Realty Company, The.  
V. E. Miller Company.  
Vacuum Cleaner Company.  
Valhalla Cafe, Inc.  
Van Wert Machine Company.  
Vanity Fair Co.  
Vaughn Calfskin Company, The.  
W. A. Cheney Company.  
W. D. Parlin Hardware Company.  
W. D. Quimby & Co., Incorporated.  
W. E. Housel Company, The.  
W. F. Brown Company.  
W. F. Scott Laundering Company.  
W. H. La Pointe Company.  
W. H. Mague Company.  
W. H. Waterman Company.  
W. N. Piser Shirt Company.  
W. P. Murphy Stable Company, The.  
W. S. Shaw Company.  
W. W. Harmon Company.  
Wakefield Clothing Company, The.  
Walker Extract Co.  
Walter H. Tuttle Co.  
Waltham Co-operative Furniture Company.



Wardwell Corporation, The.  
 Warren and Monks Company.  
 Warren-Edmonds Company.  
 Warren White Lead & Paint Company.  
 Watertown Water Supply Company.  
 Watertown Worsted Company.  
 Waterways Freighting Company.  
 Weekly Dividend Company.  
 Weeks and Company Inc.  
 West Barnstable Motor Company.  
 West End Hardware Company.  
 West Lake Hotel Company.  
 West Lynn Amusement Company.  
 Wheatley Hay, Grain & Lumber Company.  
 White-Gates Paint and Varnish Company.  
 White Hill Plantation Company.  
 White Star Manufacturing Company.  
 Whitney-Emery Co.  
 Whittemore Couch Company.  
 William G. Doyle Company.  
 William H. Nichols Company.  
 Wm. J. Perry Company.  
 William T. Rice Company.  
 William V. Fishel Company.  
 Williams Tavern Company.  
 Wilson Coal Company, Incorporated.  
 Winchendon Auto Transit Company.  
 Winchendon Shirt Company.  
 Windham Light and Lumber Company.  
 Winnisimmet Wharf and Storage Company.  
 Winston Company, Undertakers, The.  
 Winthrop Bowling-Alley Company.  
 Winthrop M. Baker (Incorporated). (Org. 1903.)  
 Wood and Tulloch Dental Company.  
 Wood Cauley Company.  
 Wood Speedometer Company.  
 Woodman-Davis Company. (Org. 1905.)  
 Worcester Bay State Hotel Company, The.  
 Worcester Collection Company.  
 Worcester Commercial Lunch Company, The.  
 Worcester Electric Contract Company, The.  
 Worcester Grain Company.  
 Worcester Light and Equipment Co.

Corporations  
dissolved.

Corporations  
dissolved.

Worcester Telephone Company.  
Worcester Transcendent Light Company.  
Worcester Wood and Lumber Company, The.  
World Amusement Company, The.  
Yeomans Realty Company.  
Yo-Yo Manufacturing Company.  
Yon-Viger Company.  
Young's Biscuit Company.

Pending suits  
not affected,  
etc.

SECTION 2. Nothing in this act shall be construed to affect any suit now pending by or against any corporation mentioned in the first section of this act, nor any suit now pending or hereafter brought for any liability now existing against the stockholders or officers thereof, nor to revive any charter or corporation previously dissolved or annulled, nor to make valid any defective organization of any of the supposed corporations mentioned in said first section.

Proceedings in  
suits upon  
choses in  
action.

SECTION 3. Suits upon choses in action arising out of contracts sold or assigned by any corporation dissolved by this act may be brought or prosecuted in the name of the purchaser or assignee. The fact of sale or assignment and of purchase by the plaintiff shall be set forth in the writ or other process; and the defendant may avail himself of any matter of defence of which he might have availed himself in a suit upon the claim by such corporation, had it not been dissolved by this act.

SECTION 4. This act shall take effect upon its passage.

*Approved May 3, 1909.*

**Chap. 348** AN ACT RELATIVE TO THE TESTING OF BOILERS OF LOCOMOTIVES.

*Be it enacted, etc., as follows:*

1906, 463.  
§ 173, Part II.,  
amended.

Testing of loco-  
motive boilers.

Chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended by striking out section one hundred and seventy-three of Part II and inserting in place thereof the following: — *Section 173.* The board of railroad commissioners may make and revise regulations for testing boilers of locomotives used by railroad corporations, by other corporations, and by persons, firms or associations upon any railroad or railway within the commonwealth, and every person, firm, asso-

ciation and corporation other than a railroad corporation, so using a locomotive, shall inform said board in writing on or before June thirtieth of each year of the number of locomotives so used by him or it, together with the length of track of such railroad or railway, its location and uses, and such other information as the board may require. The provisions of this section shall apply to railroads for private use authorized by section two hundred and fifty-one of Part II of this act. Tests under regulations made as aforesaid shall, if possible, be made by the master mechanic of the corporation, association, person or firm which constructs, repairs or uses the boiler of the locomotive, and the report of such tests shall be in form satisfactory to the board. A corporation, association, firm or person using a locomotive in this commonwealth the boiler of which has not been tested in accordance with the provisions of this section shall be punished by a fine of twenty dollars for every day after notice by the board during which such use continues.

*Approved May 3, 1909.*

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AN ACT TO AUTHORIZE THE GOOD SAMARITAN SOCIETY TO  
TRANSFER ITS PROPERTY TO THE WORCESTER SOCIETY  
FOR DISTRICT NURSING.

*Chap. 349*

*Be it enacted, etc., as follows:*

SECTION 1. The Good Samaritan Society, a corporation established by law in Worcester, is hereby authorized to transfer and convey all the funds and property held by it for the purposes for which it was incorporated to the Worcester Society for District Nursing, a corporation established by law in Worcester, and said Worcester Society for District Nursing is hereby authorized to receive said funds and property and to hold and administer them for said purposes and in accordance with the terms of any gift of the same to the Good Samaritan Society.

The Good Samaritan Society may transfer its property, etc.

SECTION 2. Any bequests hereafter made to said Good Samaritan Society shall inure to the benefit of said Worcester Society for District Nursing, to be by it held and applied to the purposes for which said Good Samaritan Society was organized and in accordance with the provisions of such bequest.

Bequests, etc.

SECTION 3. This act shall take effect upon its passage.

*Approved May 3, 1909.*

**Chap.350** AN ACT RELATIVE TO THE SALE OF BLUEBERRIES AND RASPBERRIES.

*Be it enacted, etc., as follows:*

R. L. 57, § 22,  
amended.

Sale of certain  
berries regu-  
lated.

Penalty.

Section twenty-two of chapter fifty-seven of the Revised Laws is hereby amended by inserting after the word "currants", in the third line, the words:— blueberries, raspberries,— so as to read as follows:— *Section 22.* Baskets or other receptacles holding one quart or less which are used or intended to be used in the sale of strawberries, blackberries, cherries, currants, blueberries, raspberries or gooseberries shall be of the capacity of one quart, one pint or one half pint, Massachusetts standard dry measure. Whoever sells or offers for sale a basket or other receptacle holding one quart or less to be used in the sale of any of the aforesaid fruit which does not conform to said standard, and whoever sells or offers for sale any of the aforesaid fruit in any basket or other receptacle holding one quart or less which does not conform to said standard, shall be punished by a fine of not less than five nor more than ten dollars for each offence. Said baskets or other receptacles shall not be required to be tested and sealed as provided by chapter sixty-two, but the sealer or deputy sealer of weights and measures of any city or town or the deputy sealer of the commonwealth may, if he so desires, and shall, upon complaint, test the capacity of any basket or other receptacle in which any of the aforesaid fruit is sold or intended to be sold; and if the same is found to contain less than the standard measure he shall seize the same and make complaint against the vendor.

*Approved May 3, 1909.*

**Chap.351** AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF MIDDLESEX TO CONSTRUCT AN ADDITIONAL BUILDING FOR SCHOOL PURPOSES AT THE TRAINING SCHOOL AT CHELMSFORD.

*Be it enacted, etc., as follows:*

New building  
to be con-  
structed at the  
training school  
at Chelmsford.

SECTION 1. The county commissioners of the county of Middlesex may expend a sum not exceeding thirty-six thousand dollars in the construction of a building for school and dormitory purposes at the training school of said county at Chelmsford.

SECTION 2. To meet the expenses incurred under this act said commissioners may borrow from time to time upon the credit of the county a sum not exceeding thirty-six thousand dollars.

County commissioners may borrow money on the credit of the county.

SECTION 3. This act shall take effect upon its passage.

*Approved May 3, 1909.*

AN ACT RELATIVE TO FIRE PROTECTION IN THE TOWN OF LENOX. Chap.352

*Be it enacted, etc., as follows:*

SECTION 1. The fire district in the town of Lenox is hereby abolished and the powers and duties conferred and imposed upon the said district by chapter two hundred and nineteen of the acts of the year eighteen hundred and seventy-eight and by chapter one hundred and eighty-five of the acts of the year eighteen hundred and eighty-five, and by any other act, are hereby conferred and imposed upon the said town. The powers and duties of the commissioners of the said fire district are hereby transferred to and vested in the selectmen of the said town.

Fire district in the town of Lenox, abolished, etc.

SECTION 2. No liability incurred and no contract entered into by the said district shall be affected by this act, and the said town shall be the successor of the said district in respect to its powers, duties and obligations.

Liabilities, etc., not affected, etc.

SECTION 3. This act shall take effect upon its passage.

*Approved May 3, 1909.*

AN ACT TO AUTHORIZE AN ADDITIONAL APPROPRIATION FOR CLERICAL ASSISTANCE FOR THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF MIDDLESEX. Chap.353

*Be it enacted, etc., as follows:*

SECTION 1. The register of probate and insolvency for the county of Middlesex shall be allowed, in addition to the amount now allowed by law, a sum not exceeding five hundred dollars for clerical assistance, to be paid from the treasury of the commonwealth upon the certificate of the register, countersigned by a judge of probate and insolvency.

Clerical assistance for register of probate and insolvency for Middlesex county.

SECTION 2. This act shall take effect upon its passage.

*Approved May 3, 1909.*



**Chap.354** AN ACT TO DEFINE THE POWERS AND DUTIES OF THE INSPECTORS OF FACTORIES AND PUBLIC BUILDINGS.

*Be it enacted, etc., as follows:*

1908, 389, § 1,  
amended.

Powers and  
duties of in-  
spectors of  
factories, etc.,  
defined.

Section one of chapter three hundred and eighty-nine of the acts of the year nineteen hundred and eight is hereby amended by striking out all after the word "occupation", in the seventeenth line, and inserting in place thereof the words:— heating, ventilating and the sanitary condition and appliances of the same, — so as to read as follows:— *Section 1.* The chief of the district police, the deputy chief of the inspection department of the district police, and the inspectors of factories and public buildings may, in the performance of their duty in enforcing the laws of the commonwealth, enter any building, structure or enclosure, or any part thereof, and examine the methods of prevention of fire, means of exit, and means of protection against accident, and may make investigations as to the employment of children, young persons and women, except concerning health and the influence of occupation upon health. They may, except in the city of Boston, enter any public building, public or private institution, schoolhouse, church, theatre, public hall, place of assemblage, or place of public resort, and make such investigations and order such structural or other changes, in said buildings, as are necessary relative to the construction, occupation, heating, ventilating and the sanitary condition and appliances of the same.

*Approved May 3, 1909.*

**Chap.355** AN ACT TO EXTEND THE TIME WITHIN WHICH THE MUTUAL DIRECT LIFE ASSURANCE SOCIETY MAY FILE ITS CERTIFICATE OF INCORPORATION.

*Be it enacted, etc., as follows:*

Time  
extended.

SECTION 1. The period during which the Mutual Direct Life Assurance Society of Boston, incorporated by chapter three hundred and sixty-eight of the acts of the year nineteen hundred and seven, may file its certificate of incorporation, is hereby extended to the third day of May in the year nineteen hundred and ten.

SECTION 2. This act shall take effect upon its passage.

*Approved May 3, 1909.*

AN ACT RELATIVE TO THE NOMINATION OF CANDIDATES  
FOR SENATOR AND MEMBERS OF STATE AND DISTRICT POLITICAL COMMITTEES IN THE FIRST ESSEX SENATORIAL DISTRICT. Chap. 356

*Be it enacted, etc., as follows:*

SECTION 1. Nominations by political parties of candidates for state senator from the first Essex senatorial district shall be made in caucuses by direct plurality vote. Nomination of candidates for senator, first Essex district.

SECTION 2. Members of state and district political committees from the first Essex senatorial district shall be elected in caucuses by direct plurality vote. Members of state and district committees.

SECTION 3. Returns of caucuses held under the foregoing sections shall be made according to the provisions of section one hundred and thirty-seven of chapter five hundred and sixty of the acts of the year nineteen hundred and seven. The registrars of voters and the clerk of the city of Lynn, together with the clerks of the towns of Swampscott and Nahant, shall constitute a canvassing board for said district, and shall proceed in the manner prescribed in section one hundred and five of said chapter five hundred and sixty, for like canvassing boards in the county of Suffolk. Returns of caucuses.  
  
Canvassing board, how constituted, etc.

*(The foregoing was laid before the Governor on the twenty-seventh day of April, 1909, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)*

AN ACT TO ESTABLISH THE SALARIES OF THE ASSISTANT CLERKS OF CERTAIN POLICE, DISTRICT AND MUNICIPAL COURTS. Chap. 357

*Be it enacted, etc., as follows:*

SECTION 1. If by reason of increase in population of the judicial district of a police, district or municipal court included in class E, of section one of chapter four hundred and fifty-three of the acts of the year nineteen hundred and four, and acts in amendment thereof and in addition thereto, any such court has passed or hereafter passes into class D of said chapter, the salary of an assistant clerk appointed under the provisions of section eleven of chapter Salaries of assistant clerks of certain courts established.

one hundred and sixty of the Revised Laws shall be two thirds of the salary of the clerk.

SECTION 2. This act shall take effect upon its passage.

*Approved May 4, 1909.*

*Chap.*358 AN ACT RELATIVE TO THE CERTIFICATION BY THE BOARD OF RAILROAD COMMISSIONERS OF EXPENDITURES FOR THE ABOLITION OF GRADE CROSSINGS.

*Be it enacted, etc., as follows:*

1906, 463, § 43,  
Part I.,  
amended.

Abolition of  
grade cross-  
ings, etc.

Section forty-three of Part I of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended by adding at the end thereof the following: — If the members of the board of railroad commissioners are special commissioners under the provisions of section twenty-nine the certificate herein provided for may be issued by said board without a hearing, — so as to read as follows: — *Section 43.* A final decree shall not be entered by the superior court upon any report of commissioners setting forth a plan for the abolition, discontinuance or alteration of a grade crossing, adopting or confirming such plan or authorizing any expense to be charged against the commonwealth, until the board of railroad commissioners, after a hearing, shall have certified in writing that in their opinion the adoption of such plan and the expenditure to be incurred thereunder are consistent with the public interests, and are reasonably requisite to secure a fair distribution between the different cities, towns and railroads of the commonwealth, of the public money authorized to be expended under the provisions of the preceding section, or section one hundred and fifty-eight of chapter one hundred and eleven of the Revised Laws, for the abolition of grade crossings, and that such expenditure will not, in the judgment of said board, exceed the amounts provided under the provisions of said sections to be paid by the commonwealth. If the members of the board of railroad commissioners are special commissioners under the provisions of section twenty-nine the certificate herein provided for may be issued by said board without a hearing.

*Approved May 5, 1909.*

AN ACT TO PROVIDE FOR AN INVESTIGATION OF THE WATER POWER OF THE COMMONWEALTH AND FOR DETERMINING THE BEST METHODS OF UTILIZING THE SAME. Chap. 359

*Be it enacted, etc., as follows:*

SECTION 1. The sum of five thousand dollars may be expended for the determination of the amount of water power available on the streams of the commonwealth and for investigating the best methods of utilizing the same, thereby providing for the people of the commonwealth information that may serve to further industrial development.

Investigation  
of water  
power, etc.

SECTION 2. The governor is hereby empowered to enter into a contract with the director of the United States geological survey for the purpose of making the investigation aforesaid: *provided*, that said director shall agree to expend a like sum of money within the commonwealth for the same purposes; and *provided, further*, that, if said director should find that, by reason of the failure of the congress of the United States to provide a general appropriation sufficient to enable him to make an allotment of five thousand dollars for such work in this commonwealth, the governor may execute a contract for any part of the amount hereby appropriated, which part shall be equal to that allotted by the director.

By whom in-  
vestigation is  
to be made.

Provisos.

SECTION 3. The amount above specified shall be expended by the commonwealth in accordance with the laws relating to the United States geological survey, payment to be made on vouchers audited and approved by said director when presented to the auditor of the commonwealth.

Expenditures.

SECTION 4. A brief report of the work done under the foregoing sections shall be made to the governor by the director of the United States geological survey, on January first, nineteen hundred and ten, and a final report shall be made on or before January first, nineteen hundred and eleven, embodying the complete results of the investigation.

Report.

*Approved May 5, 1909.*

**Chap.360** AN ACT RELATIVE TO THE ECONOMIC LIFE ASSURANCE SOCIETY.

*Be it enacted, etc., as follows:*

Time  
extended.

The period within which the Economic Life Assurance Society, incorporated by chapter five hundred and eighty-three of the acts of the year nineteen hundred and seven may organize, file the certificate of organization, and begin to issue policies, is hereby extended to June twenty-eighth, nineteen hundred and ten, subject to the provisions of said chapter.

*Approved May 5, 1909.*

**Chap.361** AN ACT TO PROVIDE A SCHOOL HOUSE AND AN ELECTRIC LIGHTING PLANT AT THE ESSEX COUNTY TRAINING SCHOOL AT LAWRENCE.

*Be it enacted, etc., as follows:*

Essex county  
training school,  
at Lawrence.

SECTION 1. The county commissioners of the county of Essex are hereby authorized to construct a school house and assembly hall at the Essex county training school in the city of Lawrence, and to install suitable electrical machinery for power and lighting; and for these purposes they may borrow on the credit of the county a sum not exceeding fifty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved May 5, 1909.*

**Chap.362** AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF REFUGES FOR BIRDS AND GAME.

*Be it enacted, etc., as follows:*

Taking, etc., of  
game, etc., in  
public reser-  
vations regu-  
lated.

SECTION 1. No person shall hunt, pursue, take, kill or in any manner molest or destroy any wild bird or game within the exterior boundaries of any state reservation, park, common or any land held in trust for public use, except that the authorities or persons having the control and charge of such reservations, parks, commons or other lands may in their discretion, and with such limitations as they may deem advisable, authorize persons to hunt, take or kill within said boundaries any wild birds or animals which are not now protected by law. Such authorizations shall be by written license, and the license



shall be revocable at the pleasure of the authorities or persons granting it.

SECTION 2. The boards, officials and persons having charge of reservations, parks, commons and lands held for public use shall enforce the provisions of this act. Enforcement of act.

SECTION 3. Every violation of any provision of this act shall be punished by a fine not exceeding twenty-five dollars. Penalty.  
*Approved May 7, 1909.*

AN ACT RELATIVE TO THE RIGHTS OF ACTION OF EMPLOYEES AGAINST EMPLOYERS. Chap.363

*Be it enacted, etc., as follows:*

SECTION 1. If a defect in the ways, works or machinery of a person, partnership or corporation has been reported to the person whose duty it is to remedy said defect, or cause it to be remedied, or to report its existence, and such defect is not remedied within a reasonable time, and by reason of said defect an employee is injured, such employees shall not be held to have assumed the risk of such injury. Rights of action of employees against employers.

SECTION 2. This act shall take effect on the first day of January in the year nineteen hundred and ten. When to take effect.  
*Approved May 7, 1909.*

AN ACT RELATIVE TO CLERICAL ASSISTANCE FOR THE MUNICIPAL COURT OF THE BRIGHTON DISTRICT OF THE CITY OF BOSTON. Chap.364

*Be it enacted, etc., as follows:*

SECTION 1. The clerk of the municipal court of the Brighton district of the city of Boston may annually expend a sum not exceeding two hundred dollars for clerical assistance, upon the certificate of the justice of said court that the same was necessary and was rendered. Clerical assistance to clerk of municipal court of the Brighton district.

SECTION 2. This act shall take effect upon its passage.  
*Approved May 7, 1909.*

AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE CLERK OF THE MUNICIPAL COURT OF BROOKLINE. Chap.365

*Be it enacted, etc., as follows:*

SECTION 1. The clerk of the municipal court of Brookline shall be allowed for clerical assistance upon his certifi- Clerical assistance to clerk of municipal

court of  
Brookline.

cate stating the time occupied and the name of the person or persons by whom the work was performed, provided the justice of the court shall certify that the work was necessary, such sum, not exceeding two hundred dollars in any one year, as the county commissioners for the county of Norfolk may approve. Said sum shall be paid monthly from the treasury of the county to the person or persons employed.

When to take  
effect.

SECTION 2. This act shall take effect upon its passage and shall cease to be operative whenever an assistant clerk of said court is appointed.

*Approved May 7, 1909.*

**Chap.366** AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE CLERK OF THE THIRD DISTRICT COURT OF EASTERN MIDDLESEX.

*Be it enacted, etc., as follows:*

Clerical assist-  
ance to clerk of  
third district  
court of  
eastern  
Middlesex.

SECTION 1. The clerk of the third district court of eastern Middlesex shall be allowed for clerical assistance, upon his certificate stating the time occupied and the name of the person or persons by whom the work was performed, provided the justice of the court shall certify that the work was necessary and was actually performed, such sums, not exceeding three hundred dollars in any one year, as the county commissioners for the county of Middlesex may approve. Said sums shall be paid monthly from the treasury of the county to the person or persons employed.

SECTION 2. This act shall take effect upon its passage.

*Approved May 7, 1909.*

**Chap.367** AN ACT TO ESTABLISH THE SALARIES OF THE COURT OFFICERS IN ATTENDANCE AT THE SESSIONS OF THE MUNICIPAL COURT OF THE CHARLESTOWN DISTRICT OF THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

Officers of  
municipal  
court of  
Charlestown  
district,  
salaries  
established.

SECTION 1. The court officers in attendance at the sessions of the municipal court of the Charlestown district of the city of Boston shall receive an annual salary of twelve hundred dollars, to be paid from the treasury of the county of Suffolk in monthly instalments, in full for all services performed by them.

SECTION 2. This act shall take effect upon its passage.

*Approved May 7, 1909.*

AN ACT RELATIVE TO CLERICAL ASSISTANCE FOR THE *Chap.368*  
CLERK OF THE POLICE COURT OF LYNN.

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter three hundred and thirty-one of the acts of the year eighteen hundred and ninety-eight is hereby amended by striking out the word "five", in the sixth line, and inserting in place thereof the word:—seven,—so as to read as follows:—*Section 1.* The clerk of the police court of Lynn shall be allowed for clerical assistance, upon the certificate of the justice of said court that the work was actually performed and was necessary, with the time occupied and the name of the person by whom the work was performed, such sums, not exceeding seven hundred dollars in any one year, as the county commissioners for the county of Essex by a writing signed by them may approve. Said sums shall be paid from the treasury of said county monthly, to the person employed.

1898, 331, § 1,  
amended.

Clerical assist-  
ance for clerk  
of police court  
of Lynn.

SECTION 2. This act shall take effect upon its passage.  
*Approved May 7, 1909.*

AN ACT TO CHANGE THE DATE WHEN STOCKHOLDERS IN *Chap.369*  
RAILROAD CORPORATIONS AND STREET RAILWAY COM-  
PANIES MAY SUBSCRIBE FOR NEW STOCK.

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter six hundred and thirty-six of the acts of the year nineteen hundred and eight is hereby amended by striking out the words "the date of the vote to increase", in the fourteenth line, and inserting in place thereof the words:—at such date as shall be designated by vote of the directors passed after the approval by the board of such issue,—by striking out the words "the date of the vote to increase", in the seventeenth line, and inserting in place thereof the words:—said date designated by vote of the directors,—and by striking out the words "the date of such vote to increase", in the nineteenth and twentieth lines, and inserting in place thereof the words:—said date designated by vote of the directors,—so as to read as follows:—*Section 1.* Any railroad, street railway, electric railroad or elevated

1908, 636, § 1,  
amended.

Price at which  
railroad corpo-  
rations, etc.,

shall offer new stock to their stockholders, etc.

railway company which is in actual possession of and operating a railroad or railway shall, upon any increase of its capital stock, except as provided in the following section, offer the new shares proportionately to its stockholders at such price not less than the par value thereof as may be determined by its stockholders. The directors upon the approval of such increase, as provided in section sixty-five of Part II and section one hundred and seven of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, shall cause written notice of such increase to be given to each stockholder of record upon the books of the company at such date as shall be designated by vote of the directors passed after the approval by the board of such issue, stating the amount of the increase, the number of shares or fractions of shares to which, according to the proportionate number of his shares at said date designated by the vote of the directors, he is entitled, the price at which he is entitled to take them, and fixing a time not less than fifteen days after said date designated by vote of the directors within which he may subscribe for such additional stock. Each stockholder may within the time limited subscribe for his portion of such stock, which shall be paid for in cash before the issue of a certificate therefor.

SECTION 2. This act shall take effect upon its passage.

*Approved May 7, 1909.*

**Chap.370** AN ACT RELATIVE TO THE PETER BENT BRIGHAM HOSPITAL.

*Be it enacted, etc., as follows:*

The Peter Bent Brigham Hospital may hold real and personal estate.

SECTION 1. The Peter Bent Brigham Hospital is hereby authorized to hold, for the purposes for which it was incorporated, real and personal estate to an amount not exceeding seven million dollars in value, including the amount which it is already authorized by law to hold.

Members, appointment, terms, etc.

SECTION 2. Upon the acceptance of this section by said corporation and the filing with the secretary of the commonwealth of an attested copy of the vote of the corporation accepting this section, the governor, with the advice and consent of the council, shall appoint as members of the corporation two persons, residents of the county of Suffolk, one for a term ending on the first day of May, nineteen hundred and twelve, and the other for a term ending on

the first day of May, nineteen hundred and fifteen, who shall have the same duties, powers and privileges as other members of the corporation. In the month of April, nineteen hundred and twelve, and in the month of April every three years thereafter the governor, with the advice and consent of the council, shall appoint a person, who shall be a resident of the county of Suffolk, as a member of said corporation for a term of six years beginning with the first day of May in the year of his appointment, and the persons so appointed shall have the same duties, powers and privileges as other members of said corporation. In case of the resignation or death of a member of the corporation appointed by the governor, the governor shall have power, with the advice and consent of the council, to fill the vacancy for the remainder of the term.

Vacancy.

SECTION 3. Section one of this act shall take effect upon its passage. Section two shall take effect upon the filing with the secretary of the commonwealth of a copy of the vote of said corporation accepting the provisions of section two, which copy shall be attested by the secretary or other recording officer of the corporation.

When to take effect.

*Approved May 8, 1909.*

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AN ACT TO PROVIDE FOR A BUREAU OF STATISTICS.

*Chap. 371*

*Be it enacted, etc., as follows:*

SECTION 1. There shall be a bureau of statistics, the duties of which shall be to collect, assort, arrange, and publish statistical information relative to the commercial, industrial, social, educational, and sanitary condition of the people, the productive industries of the commonwealth, and the financial affairs of the cities and towns; to establish and maintain free employment offices as provided for by chapter four hundred and thirty-five of the acts of the year nineteen hundred and six and amendments thereof; and to take the decennial census of the commonwealth required by the constitution and present the results thereof in such manner as the general court may determine.

Bureau of statistics, duties, etc.

SECTION 2. Said bureau shall be in charge of a director who shall be appointed by the governor with the advice and consent of the council for a term of three years and until his successor is appointed and qualified. The director shall receive an annual salary of three thousand dollars. He

Director, appointment, term, etc.



Chief clerk.

Clerical  
assistance.

Examination  
of witnesses,  
etc.

Director to  
make certain  
annual reports,  
etc.

shall appoint a chief clerk, who, in the absence of the director, shall act as his deputy and who shall receive an annual salary of two thousand dollars. The director may expend for clerical assistance, special agents, and contingent expenses, such amount as the general court may annually appropriate for these purposes. He may require the attendance of witnesses and the production of books and documents, and may examine witnesses under oath; and such witnesses shall be examined in the same manner and be paid the same fees as witnesses before the superior court.

SECTION 3. The director of the bureau of statistics shall annually on or before the third Wednesday in January submit to the general court a statement summarizing the work of the bureau during the preceding year, and shall make therein such recommendations as he may deem proper. He shall also prepare annually for distribution as public documents, a report on the statistics of labor, which shall embody statistical and other information relating especially to labor affairs in the commonwealth; a report on the statistics of manufactures, to be gathered as hereinafter more particularly provided for; a report on the financial statistics of the cities and towns of the commonwealth, to be gathered as hereinafter more particularly provided for; and a report covering the work of the free employment offices. The secretary of the commonwealth shall cause copies of these several annual reports to be printed as follows:—Of the report on the statistics of labor, three thousand copies, of which two thousand shall be for the use of the bureau; of the report on the statistics of manufactures, three thousand copies, of which two thousand shall be for the use of the bureau; of the report on the financial statistics of cities and towns, four thousand copies, of which three thousand shall be for the use of the bureau; of the report on the free employment offices, two thousand five hundred copies, of which one thousand five hundred shall be for the use of the bureau.

Distribution of  
reports.

Printing of  
reports.

The copies of these several annual reports printed for the use of the bureau may be bound in cloth or paper, in the discretion of the director, and may be issued and distributed by him separately in parts; and the remainder of the total number of copies authorized may be bound in cloth or paper in the discretion of the secretary of the

commonwealth. The director may also publish, at such intervals as he deems expedient, bulletins or special reports relative to industrial or economic matters and municipal affairs. The several publications provided for in this section shall be paid for out of the sum annually appropriated by the general court for the contingent expenses of the bureau.

SECTION 4. The director of the said bureau is authorized to prepare a schedule or blank form for the collection of such data as may be, in his judgment, desirable for the proper presentation of statistics of manufactures and the promotion of the industrial welfare of the commonwealth, and the said schedule, unless modified by the director, shall embody inquiries as to, —

Blank forms,  
etc.

- (1) Name of person, partnership or corporation.
- (2) Kind of goods manufactured or business done.
- (3) Number of partners or stockholders.
- (4) Capital invested.
- (5) Principal stock or raw material used, and total value thereof.
- (6) Gross quantity and value of articles manufactured.
- (7) Average number of persons employed, distinguishing as to sex, adults, and children.
- (8) Smallest number of persons employed, and in what month.
- (9) Largest number of persons employed, and in what month.
- (10) Total wages, not including salaries of managers, paid during the year, distinguishing as to sex, adults, and children.
- (11) Proportion that the business of the year bore to the greatest capacity for production of the establishment.
- (12) Number of weeks in operation during the year, part time being reduced to full time.

The said schedule shall be sent by mail annually, on or before the fifteenth day of December, to the owner, operator, or manager of every manufacturing establishment in the commonwealth, and such owner, operator, or manager, or any other person to whom the schedule or blank form is sent shall answer the inquiries thereon and return the same to the bureau properly certified as to its accuracy, not later than the following twentieth day of January: *provided, however,* that the director may, in his

Schedule of  
forms to be  
furnished to  
manufacturing  
establish-  
ments, etc.

Proviso.

discretion, extend the time for returning the schedule beyond said twentieth day of January. The director is authorized to suspend the operation of this section in years when the United States takes a census of manufactures in Massachusetts, to such degree as may be necessary in order to facilitate co-operation between said bureau and the federal census authorities in the collection and compilation of the statistics of Massachusetts manufactures in such census years, and the avoidance of needless duplication of labor and expense.

Information  
collected not  
to be used  
except, etc.

SECTION 5. The information authorized to be collected by the preceding section shall not be used by said bureau either by publication or in any other manner, so as to disclose the private affairs of any person, partnership or corporation, and the bureau shall hold all such information to be strictly confidential with respect to persons, partnerships, or corporations. Any official, agent, or employee of said bureau who violates this provision shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year; but this section shall not be construed as prohibiting said bureau from tabulating and publishing such information relative to manufacturing corporations as may be required by law to be filed with other state departments.

Cities and  
towns to be  
furnished  
blank forms,  
etc.

SECTION 6. The director of the bureau of statistics shall annually furnish to the auditor or other accounting officer of each city and town in the commonwealth blank forms or schedules so arranged as to provide for uniform returns giving detailed statements of all receipts classified by sources, and all payments classified by objects, for its last fiscal year; a statement of the public debt showing the purpose for which each item of the debt was created and the provision made for the payment thereof; and a statement of assets and liabilities at the close of the fiscal year. The director may prescribe standard forms intended to promote the systematic accounting of financial transactions and the publication of the same in the city and town reports. The director is also authorized to collect from the proper local authorities and to compile and publish such other information pertaining to municipal affairs as in his judgment may be of public interest; and it shall be the duty of all accounting and other officials and custodians of

public moneys of cities and towns, or fire, water, and watch districts, so-called, and of districts organized under the provisions of section forty-four of chapter twenty-five of the Revised Laws, to fill out properly and return promptly to the said director all schedules transmitted by him to them.

SECTION 7. The decennial census of the commonwealth required by articles twenty-one and twenty-two of the amendments to the constitution and the decennial census of industries and agriculture shall be taken by the bureau of statistics in the year nineteen hundred and fifteen and every tenth year thereafter; and the director of said bureau is authorized to supervise the taking of the United States censuses for Massachusetts, and to co-operate with the federal authorities in all respects possible and feasible, so far as is consistent with the interests of the commonwealth, for the purpose of promoting economy and efficiency in the gathering, compilation, and publication of statistical matter. In the year nineteen hundred and fourteen, and every tenth year thereafter, the director of said bureau shall submit to the general court a preliminary report embodying an estimate of the cost of taking, compiling, and publishing the next succeeding decennial census, and such other information and recommendations as may be necessary to carry out the provisions of this section.

Decennial  
census.

SECTION 8. Application for an enumeration of temporary or summer residents of towns, as contemplated by section thirteen of chapter one hundred of the Revised Laws, shall be made to the director of the bureau of statistics, and such enumeration shall be made in the manner provided by said section.

Enumeration  
of summer  
residents of  
towns, etc.

SECTION 9. The director of the bureau of statistics, having first obtained authority from the governor and council, may destroy or sell all such records, papers and schedules accumulated in said bureau as, in his judgment, are of no value; and if sold the proceeds thereof shall be paid into the treasury of the commonwealth.

Papers and  
schedules may  
be destroyed.

SECTION 10. Chapter one hundred and seven of the Revised Laws, chapter two hundred and ninety-six of the acts of the year nineteen hundred and six, chapter seventy-nine of the acts of the year nineteen hundred and seven, and chapters four hundred and sixty-two and four hundred

Repeal.

and eighty-one of the acts of the year nineteen hundred and eight, and all acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 11. This act shall take effect upon its passage.

*Approved May 10, 1909.*

**Chap. 372** AN ACT TO PROVIDE FOR THE APPOINTMENT OF A FINANCE COMMISSION FOR THE CITY OF LYNN.

*Be it enacted, etc., as follows:*

Lynn Finance  
Commission,  
appointment,  
etc.

SECTION 1. The mayor of the city of Lynn for the year nineteen hundred and nine may appoint, subject to confirmation by the board of aldermen, five disinterested citizens, who shall not be members of the municipal government of the city or holders of any office thereunder, as a commission to investigate all matters pertaining to the finances of the city, including appropriations, debts, loans, taxation, expenditure, bookkeeping and administration, and to inquire into the management of the business of the city, and the methods in which the same has been conducted. Said commission shall serve without compensation, but may spend in making its investigation such sums as may be appropriated therefor by the city council of said city. It shall report its findings to the city council not later than the first day of March in the year nineteen hundred and ten. The commission shall be known as the Lynn Finance Commission.

Powers of  
commission,  
etc.

SECTION 2. For the purposes of this act, the commission shall have power to require the attendance and testimony of witnesses and the production of all books, papers, contracts and documents relating to any matter within the scope of the said investigation. Witnesses shall be summoned in the same manner and be paid the same fees as witnesses before the police court of said city, and they may be represented by counsel who may cross examine the witness for whom he appears. The commission may administer oaths to or take the affirmation of witnesses who appear before the commission. The commission may prescribe rules and regulations for the conduct of hearings and the giving of testimony.

Order may be  
issued requir-  
ing persons to  
appear before  
the commis-  
sion, etc.

SECTION 3. If any person so summoned and paid shall refuse to attend, or to be sworn, or to affirm, or to answer any question, or to produce any book, contract, document or



paper pertinent to the matter of inquiry in consideration before the commission, a justice of the supreme judicial court or of the superior court, in his discretion, upon application by the commission, or of any member thereof authorized thereto by vote of the commission, may issue an order requiring such person to appear before the commission, and to produce books, contracts, documents and papers and to give evidence touching the matter in question. Failure to obey such order of the court may be punished by the court as a contempt thereof.

SECTION 4. Any person so summoned and paid who shall refuse to attend, or to be sworn, or to affirm, or to answer any question, or to produce any book, contract, document or paper pertinent to the matter in consideration by the commission, and any person who wilfully interrupts or disturbs any hearing of the commission, or who is disorderly thereat, shall be punished by a fine not exceeding fifty dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Penalty for refusing to appear, etc.

SECTION 5. Any person who wilfully swears or affirms falsely before the commission upon any point material to the matter of inquiry shall be guilty of perjury, and shall be subject to the provisions of chapter two hundred and ten of the Revised Laws and amendments thereof.

SECTION 6. Upon application by the commission to any justice of the supreme judicial court, or of the superior court, the justice may issue a commission to one or more competent persons in another state for the examination of a person without this commonwealth relative to any matter within the scope of the said investigation. The testimony of such person may be taken by open commission, or otherwise under the procedure, so far as the same may be applicable, provided by section forty-three of chapter one hundred and seventy-five of the Revised Laws, and the said justice may issue letters rogatory in support of said commission.

Examination of persons outside the commonwealth.

SECTION 7. Nothing in this act shall be construed to compel any person to give any testimony or to produce any evidence, documentary or otherwise, which may tend to incriminate him.

Certain evidence not to be given.

SECTION 8. The powers granted by this act shall cease on the first day of March in the year nineteen hundred and ten.

Powers to cease March 1, 1910.

*Approved May 11, 1909.*

**Chap.373** AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX TO MAKE A TEMPORARY LOAN FOR THE PURPOSE OF RECONSTRUCTING LYNNFIELD STREET IN THE CITY OF LYNN.

*Be it enacted, etc., as follows:*

County commissioners of Essex county may borrow money, etc.

SECTION 1. The county commissioners of the county of Essex are hereby authorized and directed to borrow on the credit of the county a sum not exceeding fifty thousand dollars for the purpose of reconstructing Lynnfield street in the city of Lynn, under the provisions of the Revised Laws, the same to be repaid within eighteen months.

SECTION 2. This act shall take effect upon its passage.

*Approved May 11, 1909.*

**Chap.374** AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS COMMISSION FOR THE BLIND.

*Be it enacted, etc., as follows:*

Appropriations, commission for the blind.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for salaries and expenses of the Massachusetts commission for the blind, for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit:—

Maintenance of industries.

For the maintenance of industries under the control of said commission, a sum not exceeding fifteen thousand dollars.

Expenses.

For general administration, for furnishing information and industrial and educational aid, and for such other expenses as may be found necessary by the commission in carrying out the provisions of the act establishing the same, a sum not exceeding twenty-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved May 11, 1909.*

**Chap.375** AN ACT RELATIVE TO THE SALE OF COCAINE.

*Be it enacted, etc., as follows:*

1908, 307, § 2, amended.

SECTION 1. Section two of chapter three hundred and seven of the acts of the year nineteen hundred and eight is hereby amended by inserting after the word “restau-

rant", in the fifth and sixth lines, the words:—apartment house, dwelling house, — so as to read as follows:—  
*Section 2.* It shall be unlawful for any person, firm or corporation to sell, exchange, deliver, expose for sale, give away or have in his possession or custody with intent to sell, exchange, deliver, or give away, in any street, way, square, park or other public place, or in any hotel, restaurant, apartment house, dwelling house, liquor saloon, barroom, public hall, place of amusement, or public building any cocaine or any of its salts, or any alpha or beta eucaine, or any of their salts, or any synthetic substitute for the aforesaid, or any preparation containing any of the same.

Sale, etc., of cocaine, etc., in public places prohibited.

SECTION 2. Section four of chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby amended by adding at the end thereof the words:—and shall at all times be open to inspection by the officers of the state board of health and by the police authorities and officers of cities and towns,—so as to read as follows:—*Section 4.* It shall be unlawful for any person to sell, or to expose or offer for sale, or to give or exchange any cocaine or alpha or beta eucaine or any synthetic substitute of the aforesaid, or any preparation containing the same, or any salts or compounds thereof, except upon the written prescription of a physician, dentist or veterinary surgeon registered under the laws of the commonwealth; the original of which prescription shall be retained by the druggist filling the same and shall not again be filled, and shall at all times be open to inspection by the officers of the state board of health and by the police authorities and officers of cities and towns.

1906, 386, § 4, amended.

Not to be sold, etc., except upon written prescription of physician, etc.

*Approved May 11, 1909.*

AN ACT RELATIVE TO THE CONSTRUCTION OF A COURT HOUSE IN THE COUNTY OF BRISTOL.

*Chap. 376*

*Be it enacted, etc., as follows:*

Section four of chapter one hundred and thirty-eight of the acts of the year nineteen hundred and eight is hereby amended by striking out the words "one hundred thousand", in the fourth line, and inserting in place thereof the words:—one hundred and twenty-seven thousand five

1908, 138, § 4, amended.

County commissioners may borrow money, issue notes or bonds, etc.

hundred,—so as to read as follows:—*Section 4.* In order to meet the expenses incurred under this act, said commissioners may borrow from time to time upon the credit of the county, a sum not exceeding one hundred and twenty-seven thousand five hundred dollars, and may issue notes or bonds of the county therefor. Such notes or bonds shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum, and shall be payable at periods not exceeding twelve years from the dates of issue. The county commissioners shall raise annually by taxation such amounts as may be needed to pay the interest on the said securities, and to make such annual payments of the principal, beginning with the year nineteen hundred and nine, as will extinguish the debt within the time above prescribed. *Approved May 13, 1909.*

### Chap. 377

#### AN ACT RELATIVE TO TROUT AND SALMON.

*Be it enacted, etc., as follows:*

Taking and sale, etc., of trout and salmon regulated.

SECTION 1. It shall be unlawful for a person at any time to buy or sell or offer for sale a trout except as hereinafter provided, or to take or have in possession trout or salmon between the first day of August in any year and the fifteenth day of April of the year following, or to sell or offer for sale or have in possession salmon between the above named dates taken in this commonwealth, or to take a trout or salmon otherwise than by naturally or artificially baited hook and hand line; or to have in possession at any time a trout less than six inches or a salmon less than twelve inches in length, unless such trout less than six inches or such salmon less than twelve inches was taken by a person lawfully fishing, and is immediately returned alive to the water whence it was taken.

Trout artificially propagated may be sold, etc.

SECTION 2. Upon written application to the commissioners on fisheries and game permission shall be granted to any person to buy and sell or have in possession, at any season of the year, trout artificially propagated and maintained, under such rules and regulations, approved by the governor and council, as may be made from time to time by the commissioners.

Penalty.

SECTION 3. Any person violating any provision of this act, or any rule or regulation made as aforesaid, shall be

punished by a fine not exceeding twenty-five dollars for each offence, and the commissioners on fisheries and game may, in case of a violation of any rule or regulation made by them, suspend or revoke any license or permit granted by them under authority of this act.

SECTION 4. Sections fifty-seven, fifty-eight and fifty-nine of chapter ninety-one of the Revised Laws, chapter one hundred and ninety of the acts of the year nineteen hundred and five, chapters two hundred and sixty-three and three hundred and fourteen of the acts of the year nineteen hundred and six, chapter two hundred and ninety-six of the acts of the year nineteen hundred and seven, and all acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 5. This act shall take effect on the first day of July in the year nineteen hundred and nine. When to take effect.

*Approved May 13, 1909.*

AN ACT RELATIVE TO THE SUPPORT OF CERTAIN INMATES Chap. 378  
OF THE MASSACHUSETTS STATE SANATORIUM.

*Be it enacted, etc., as follows:*

SECTION 1. Section seven of chapter eighty-eight of the Revised Laws is hereby amended by striking out the words "overseers of the poor", in the eighth line, and inserting in place thereof the words: — board of health, — so as to read as follows: — *Section 7.* The charges for the support of the inmates of said sanatorium who are of sufficient ability or have persons or kindred bound by law to maintain them shall be paid by such inmates, such persons or such kindred at a rate to be determined by the trustees of said sanatorium. The board of such inmates as have a legal settlement in a city or town shall be paid by said city or town if such patients are received at said sanatorium on the request of the board of health thereof. The trustees may in their discretion receive other patients who have no means to pay for treatment; and the board of all such patients shall be paid by the commonwealth. R. L. 88, § 7,  
amended.  
  
Payment of  
charges for  
support of  
certain in-  
mates of the  
Massachusetts  
state sana-  
torium.

SECTION 2. This act shall take effect upon its passage.

*Approved May 13, 1909.*



**Chap.379** AN ACT TO PROVIDE FOR THE INSPECTION BY THE STATE BOARD OF CHARITY OF CERTAIN CHARITABLE INSTITUTIONS.

*Be it enacted, etc., as follows:*

State board of charity to inspect certain charitable institutions, etc.

SECTION 1. The state board of charity, upon the request or with the consent of a charitable corporation which, under the provisions of section fourteen of chapter eighty-four of the Revised Laws, as amended by chapter four hundred and two of the acts of the year nineteen hundred and three, is required to make an annual report to said board, shall, at least once in every year, visit and inspect the institution or investigate the work of such corporation.

SECTION 2. This act shall take effect upon its passage.

*Approved May 13, 1909.*

**Chap.380** AN ACT RELATIVE TO THE EXPENSE OF CARING FOR PERSONS INFECTED WITH DISEASES DANGEROUS TO THE PUBLIC HEALTH.

*Be it enacted, etc., as follows:*

1902, 213, § 1, etc., amended.

SECTION 1. Section one of chapter two hundred and thirteen of the acts of the year nineteen hundred and two, as amended by section one of chapter three hundred and eighty-six of the acts of the year nineteen hundred and seven, is hereby further amended by adding at the end thereof the words:—and also in any case liable to be maintained by the commonwealth when public aid has been rendered to such sick person, a written notice shall be sent to the state board of charity, containing such information as will show that the person named therein is a proper charge to the commonwealth, and reimbursement shall be made for the reasonable expenses incurred within five days next before such notice is mailed, and thereafter until such sick person is removed under the provisions of chapter three hundred and ninety-five of the acts of the year nineteen hundred and four, or is able to be so removed without endangering his or the public health,—so as to read as follows:—*Section 1.* Reasonable expenses incurred by the board of health of a city or town or by the commonwealth in making the provision required by law for persons infected with smallpox or other disease dangerous to the public health shall be paid by such person or his parents

Payment of expenses incurred by cities and towns in caring for persons infected with diseases dangerous to

if he or they be able to pay, otherwise by the city or town in which he has a legal settlement, upon the approval of the bill by the board of health of such city or town or by the state board of charity; and such settlements shall be determined by the overseers of the poor, and by the state board of charity in cases cared for by the commonwealth. If the person has no settlement, such expense shall be paid by the commonwealth, upon the approval of bills therefor by the state board of charity. In all cases of persons having settlements, a written notice sent within the time required in the case of aid given to paupers, shall be sent by the board of health, or by the officer or board having the powers of a board of health in the city or town where the person is sick, to the board of health, or to the officer or board having the powers of a board of health in the city or town in which such person has a settlement, who shall forthwith transmit a copy thereof to the overseers of the poor of the place of settlement. In case the person has no settlement, such notice shall be given to the state board of health, in accordance with the provisions of section fifty-two of chapter seventy-five of the Revised Laws, and also in any case liable to be maintained by the commonwealth when public aid has been rendered to such sick person, a written notice shall be sent to the state board of charity, containing such information as will show that the person named therein is a proper charge to the commonwealth, and reimbursement shall be made for the reasonable expenses incurred within five days next before such notice is mailed, and thereafter until such sick person is removed under the provisions of chapter three hundred and ninety-five of the acts of the year nineteen hundred and four, or is able to be so removed without endangering his or the public health.

the public health.

SECTION 2. This act shall take effect on the first day of July in the year nineteen hundred and nine.

When to take effect.

*Approved May 13, 1909.*

AN ACT RELATIVE TO THE WITHDRAWAL OF APPEALS IN CRIMINAL CASES IN THE LOWER COURTS. *Chap. 381*

*Be it enacted, etc., as follows:*

Chapter two hundred and nineteen of the Revised Laws is hereby amended by striking out section twenty-eight and

R. L. 219, § 28, amended.

Withdrawal of  
appeals in  
criminal cases,  
etc.

inserting in place thereof the following:— *Section 28.* The appellant may, at any time before the next sitting of the superior court for criminal business, come personally before the court or trial justice from whose judgment the appeal was taken and withdraw his appeal. If the appellant has been committed, the officer in charge of the jail, within forty-eight hours after his commitment, shall notify him of his right to withdraw his appeal and shall furnish him with a blank form of withdrawal, which, if signed by him, shall be witnessed by said officer and forwarded with the defendant to the court or trial justice from whom the appeal was taken. In either case the court or trial justice shall order that the appellant comply with the sentence appealed from, in the same manner as if it were then first imposed, and if sureties had recognized with the appellant to prosecute his appeal they shall be discharged. In case the copy of the record of conviction has been transmitted to the superior court, the court or trial justice shall notify the clerk of the superior court of the withdrawal of the appeal, who shall thereupon make a memorandum of the same upon the record of the superior court.

*Approved May 13, 1909.*

**Chap. 382** AN ACT TO INCLUDE SEALERS AND INSPECTORS OF WEIGHTS AND MEASURES IN CITIES AND IN CERTAIN TOWNS WITHIN THE CLASSIFIED CIVIL SERVICE.

*Be it enacted, etc., as follows:*

Sealers and  
inspectors of  
weights and  
measures to  
be included  
within the  
classified civil  
service.

SECTION 1. The civil service commissioners may prepare rules, which shall take effect when approved by the governor and council in the manner provided by law, for including within the classified civil service all principal or assistant sealers of weights and measures holding office by appointment under any city or any town of over ten thousand inhabitants, whether such officers are heads of principal departments or not, and also for including within the said service the inspectors of weights and measures of the commonwealth.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved May 13, 1909.*

AN ACT RELATIVE TO THE CONSOLIDATION OF THE PROP-  
ERTIES AND FRANCHISES OF THE BOSTON ELEVATED  
RAILWAY COMPANY AND THE WEST END STREET RAILWAY  
COMPANY. Chap.383

*Be it enacted, etc., as follows:*

SECTION 1. Section fifteen of chapter five hundred and fifty-one of the acts of the year nineteen hundred and eight is hereby amended by striking out the word "nine", in the third line, and inserting in place thereof the word: — ten, — so as to read as follows: — *Section 15.* Unless the purchase and sale herein authorized are effected on or before December thirty-first, nineteen hundred and ten, all authority hereunder to make the same shall cease: *provided*, that if such purchase and sale are delayed by litigation either the Boston Elevated Railway Company or the West End Street Railway Company may apply to the said board for an extension of the time therefor, and the board after notice and a public hearing and upon proof that such litigation is not collusive may from time to time determine what extension of time may reasonably be allowed for completing such purchase and sale, and such further time shall thereupon be allowed therefor.

1908, 551, § 15,  
amended.

Purchase and  
sale to be  
effected before  
certain date.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved May 13, 1909.*

AN ACT TO PROVIDE FOR ADDITIONAL CLERICAL ASSISTANCE  
FOR THE REGISTER OF PROBATE AND INSOLVENCY FOR  
THE COUNTY OF WORCESTER. Chap.384

*Be it enacted, etc., as follows:*

The register of probate and insolvency for the county of Worcester shall be allowed, in addition to the amount now allowed by law, a sum not exceeding eighteen hundred dollars per annum, for clerical assistance actually performed, to be paid from the treasury of the commonwealth upon the certificate of a judge of probate and insolvency for said county.

Clerical  
assistance to  
register of  
probate and  
insolvency,  
Worcester  
county.

*Approved May 13, 1909.*

*Chap.*385 AN ACT TO AUTHORIZE THE CONNECTICUT VALLEY STREET RAILWAY COMPANY TO FUND ITS FLOATING DEBT AND REFUND ITS FUNDED DEBT.

*Be it enacted, etc., as follows:*

The Connecticut Valley Street Railway Company may fund its debt.

SECTION 1. The Connecticut Valley Street Railway Company is hereby authorized to issue, subject to the approval of the board of railroad commissioners, bonds, notes or other evidences of indebtedness, payable at periods of more than twelve months after the date thereof, for the purpose of refunding or providing means to pay its present funded debt, including the bonds and debt assumed by said company as a result of consolidating with or purchasing the franchise and property of other street railway companies, and for funding and providing means to pay and discharge said company's other obligations, incurred for any purposes for which street railway companies are authorized to issue bonds under section one hundred and three of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, and to issue such bonds, coupon notes or other evidences of indebtedness, payable at periods of more than twelve months after the date thereof, for any of the purposes aforesaid, to such an amount in excess of the amount of its capital stock at the time actually paid in, as the board of railroad commissioners may deem and vote to be reasonably required for the purposes aforesaid: *provided, however,* that the total amount of such bonds, notes and other evidences of indebtedness, payable at periods of more than twelve months after the date thereof, at any time issued and outstanding under authority of this act shall not exceed seven hundred and fifty thousand dollars. For the purpose of securing such bonds, notes or other evidence of indebtedness, said company may at one time, or from time to time, mortgage the whole or any part of its property or of the equity therein, including property to be acquired after the date of any mortgage made by it under authority of this act. The record of any such mortgage, and of any supplementary or confirmatory mortgage, in the registry of deeds of each county or district of a county within which any of the railway of said company is located, shall be a sufficient record for all purposes, to create a valid lien

Proviso.



under said mortgage upon all property therein described, and thereby conveyed or intended to be conveyed.

SECTION 2. This act shall take effect upon its passage.

*Approved May 13, 1909.*

AN ACT TO INCREASE THE NUMBER OF OFFICERS IN ATTENDANCE UPON THE SESSIONS FOR CRIMINAL BUSINESS OF THE MUNICIPAL COURT OF THE CITY OF BOSTON.

*Chap. 386*

*Be it enacted, etc., as follows:*

SECTION 1. Section sixty-four of chapter one hundred and sixty of the Revised Laws is hereby amended by striking out the word "six", in the third line, and inserting in place thereof the word: — eight, — so as to read as follows: — *Section 64.* The justices of the municipal court of the city of Boston, or a majority of them, shall appoint officers for attendance upon the sessions of the court, not exceeding eight for criminal business and three for civil business, and may at any time remove said officers for a cause which is considered by the justices to be sufficient, and shall fill any vacancy which is caused by removal or otherwise. Such officers may serve the warrants, mittimus, precepts, orders and processes of said court.

R. L. 160, § 64, amended.

Officers of municipal court of Boston, appointment, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved May 13, 1909.*

AN ACT TO PROVIDE OFFICE ACCOMMODATIONS FOR THE LICENSING BOARD FOR THE CITY OF BOSTON.

*Chap. 387*

*Be it enacted, etc., as follows:*

SECTION 1. The licensing board for the city of Boston is hereby authorized, at the expiration of the present lease and subject to the approval of the governor and council, to provide itself with suitable rooms, suitably furnished, for the performance of its duties, the rent of which shall not exceed the sum of five thousand dollars, including cost of janitor service. The rent of the rooms and the cost of furnishing them shall be paid by the city of Boston, upon requisition by the said board.

Office accommodations for the licensing board of Boston.

SECTION 2. So much of section two of chapter two hundred and ninety-one of the acts of the year nineteen

Repeal.

hundred and six as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved May 13, 1909.*

*Chap.*388 AN ACT RELATIVE TO APPROPRIATIONS FOR THE SUPPORT OF THE PUBLIC SCHOOLS OF THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

1898, 400, § 1,  
etc., amended.

SECTION 1. Section one of chapter four hundred of the acts of the year eighteen hundred and ninety-eight, as amended by section one of chapter four hundred and forty-eight of the acts of the year nineteen hundred and one, by section one of chapter one hundred and seventy of the acts of the year nineteen hundred and three, and by section one of chapter two hundred and five of the acts of the year nineteen hundred and six, is hereby further amended by striking out the said section and inserting in place thereof the following:—*Section 1.* The school committee of the city of Boston, in each year, by vote of four fifths of all its members, taken by yeas and nays, may make an appropriation in one sum for constructing and furnishing new school buildings, including the taking of land therefor and for school yards, and the preparing of school yards for use, and may also make an appropriation in one sum for repairs and alterations of school buildings, and may make such other appropriations by items for the support of the public schools as it deems necessary. The total amount to be thus appropriated for the public schools of the city and their support, in addition to the money which may be given therefor, the income collected, the balance of appropriations of years preceding such year, and the money which may be authorized by acts of the general court passed prior to the year nineteen hundred and nine and not repealed, shall not exceed the following sums for the periods specified, to wit:—

The school  
committee of  
Boston may  
make appro-  
priations, etc.

Amounts to be  
appropriated.

For the financial year ending on the thirty-first day of January in the year nineteen hundred and ten, three dollars and fifty cents; for the financial year ending on the thirty-first day of January in the year nineteen hundred and eleven, three dollars and sixty cents; for the financial year ending on the thirty-first day of January in the year nineteen hundred and twelve, three dollars and seventy

cents; and for each financial year thereafter, three dollars and seventy cents upon each one thousand dollars of the valuation on which the appropriations of the city council are based; and the amounts which may so be raised shall be appropriated by the school committee as aforesaid, and shall be a part of and be met by taxes within the tax limit; and of said amounts not less than forty cents upon every such one thousand dollars shall be appropriated solely for new school buildings, lands, yards and furnishings as aforesaid, and not less than twenty-five cents upon every such one thousand dollars shall be appropriated solely for repairs and alterations of school buildings.

SECTION 2. This act shall take effect upon its passage.  
*Approved May 14, 1909.*

AN ACT TO AUTHORIZE THE ABATEMENT OF A TAX ASSESSED  
UPON PREMISES OCCUPIED BY THE LAWRENCE YOUNG  
MEN'S CHRISTIAN ASSOCIATION.

*Chap. 389*

*Be it enacted, etc., as follows:*

SECTION 1. The assessors of the city of Lawrence are hereby authorized to abate the tax assessed in the year nineteen hundred and seven to William E. Gowing and others, trustees, upon the land and building at the northwest corner of Appleton and Methuen streets in that city, the said premises having been accepted by the Lawrence Young Men's Christian Association.

Tax assessed  
on certain  
property in  
the city of  
Lawrence  
abated.

SECTION 2. This act shall take effect upon its passage.  
*Approved May 14, 1909.*

AN ACT RELATIVE TO MUTUAL FIRE INSURANCE COMPANIES.

*Chap. 390*

*Be it enacted, etc., as follows:*

SECTION 1. Section forty-seven of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven, as amended by chapter four hundred and eighty-two of the acts of the year nineteen hundred and eight, is hereby further amended by inserting after the first paragraph the words:— Any such company may hold cash assets in excess of its liabilities, but such excess shall be limited to two per cent of its insurance in force, shall be subject to the provisions of law relative to the invest-

1907, 576, § 47,  
etc., amended.

Payment of  
dividends, etc.

ment of the capital stock of insurance companies on the stock plan, and may be used from time to time in payment of losses, dividends and expenses, — so as to read as follows:— *Section 47.* From time to time the directors of a mutual fire insurance company may by vote fix and determine the percentages of dividend to be paid on expiring policies, which percentages may in their discretion be different for policies insuring farm risks from those applying on policies covering other classes of risks of the same term; but every policy placed in the said class of farm risks shall, when issued, bear an endorsement to the effect that it is so classified.

Cash assets  
limited, etc.

Any such company may hold cash assets in excess of its liabilities, but such excess shall be limited to two per cent of its insurance in force, shall be subject to the provisions of law relative to the investment of the capital stock of insurance companies on the stock plan, and may be used from time to time in payment of losses, dividends and expenses.

Notice to be  
given of  
amount of  
dividend, etc.

Each policy holder of a domestic company, and each Massachusetts policy holder of a foreign company, shall be notified at his last known address within six months after the expiration of his policy of the amount of any dividend declared and payable thereon, unless in the meantime such dividend has been paid in cash or applied in payment of the premium on the renewal of the policy.

Repeal.

*SECTION 2.* Section forty-six of said chapter five hundred and seventy-six is hereby repealed.

*SECTION 3.* This act shall take effect upon its passage.

*Approved May 14, 1909.*

**Chap. 391** AN ACT RELATIVE TO THE CARE AND REMOVAL BY THE STATE BOARD OF CHARITY OF PERSONS INFECTED WITH DISEASES DANGEROUS TO THE PUBLIC HEALTH.

*Be it enacted, etc., as follows:*

1904, 395, § 1,  
amended.

*SECTION 1.* Section one of chapter three hundred and ninety-five of the acts of the year nineteen hundred and four is hereby amended by striking out the words “and may remove such person thereto”, at the end of said section, and inserting in place thereof the words:— and shall have the same authority to remove such persons thereto as is conferred upon boards of health by the pro-

visions of section thirty-six of chapter seventy-five of the Revised Laws, as amended by chapter three hundred and sixty-five of the acts of the year nineteen hundred and six, — so as to read as follows: — *Section 1.* The state board of charity may, if found expedient, remove any person who is infected with a disease dangerous to the public health, and who is maintained or liable to be maintained by the commonwealth, to any hospital provided for state paupers, or may provide such place of reception for such person as is judged best for his accommodation and the safety of the public, which place shall be subject to the regulations of the board, and shall have the same authority to remove such persons thereto as is conferred upon boards of health by the provisions of section thirty-six of chapter seventy-five of the Revised Laws, as amended by chapter three hundred and sixty-five of the acts of the year nineteen hundred and six.

Care of certain persons infected with diseases dangerous to the public health.

SECTION 2. Any expenses incurred in carrying out the provisions of this act may be paid from the annual appropriation for expenses in connection with smallpox and other diseases dangerous to the public health.

Payment of expenses.

SECTION 3. This act shall take effect upon its passage.

*Approved May 14, 1909.*

AN ACT RELATIVE TO THE SCITUATE WATER COMPANY.

*Chap. 392*

*Be it enacted, etc., as follows:*

SECTION 1. Section six of chapter three hundred and ninety-one of the acts of the year eighteen hundred and ninety-three, as amended by chapter fifty-one of the acts of the year nineteen hundred and three, is hereby further amended by striking out the words "real estate", in the second line, and inserting in place thereof the word: — lands, — and also by inserting after the word "hundred", in the fourth and fifth lines, the words: — and fifty, — so as to read as follows: — *Section 6.* The said corporation may, for the purposes set forth in this act, hold lands not exceeding in value twenty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each; and said corporation may issue bonds to an amount not exceeding the amount of its capital stock actually paid in and applied to the purpose

1893, 391, § 6.  
etc., amended.

The Scituate Water Company may increase its capital stock, etc.



of its incorporation, and may secure the same at any time by a mortgage of its franchise and property.

SECTION 2. This act shall take effect upon its passage.

*Approved May 14, 1909.*

**Chap. 393** AN ACT RELATIVE TO THE OPERATION AND INSPECTION OF  
STEAM BOILERS.

*Be it enacted, etc., as follows:*

1907, 465, § 1,  
etc., amended.

SECTION 1. Section one of chapter four hundred and sixty-five of the acts of the year nineteen hundred and seven, as amended by section one of chapter five hundred and sixty-three of the acts of the year nineteen hundred and eight, is hereby further amended by inserting after the word “installed”, in the nineteenth and twentieth lines, the words:—A boiler in this commonwealth at the time of the passage of this act, which does not conform to the rules of construction formulated by the board of boiler rules may be installed after a thorough internal and external inspection and hydrostatic pressure test by a member of the boiler inspection department of the district police, or by an inspector holding a certificate of competency as an inspector of steam boilers, as provided by section six of chapter four hundred and sixty-five of the acts of the year nineteen hundred and seven, and employed by the company insuring the boiler. The pressure allowed on such boilers is to be ascertained by rules formulated by the board of boiler rules, — so as to read as follows:—

Operation and  
inspection of  
steam boilers.

*Section 1.* All steam boilers and their appurtenances, except boilers of railroad locomotives, motor road vehicles, boilers in private residences, boilers in public buildings and in apartment houses used solely for heating, and carrying pressures not exceeding fifteen pounds per square inch, and having less than four square feet of grate surface, boilers of not more than three horse power, boilers used for horticultural and agricultural purposes exclusively, and boilers under the jurisdiction of the United States, shall be thoroughly inspected internally and externally at intervals of not over one year, and shall not be operated at pressures in excess of the safe working pressure stated in the certificate of inspection hereinafter mentioned, which pressure is to be ascertained by rules established by the board of boiler rules, to be appointed as hereinafter pro-

vided; and shall be equipped with such appliances to insure safety of operation as shall be prescribed by said board. All such boilers installed after January first, nineteen hundred and eight, shall be so inspected when installed. A boiler in this commonwealth at the time of the passage of this act, which does not conform to the rules of construction formulated by the board of boiler rules may be installed after a thorough internal and external inspection and hydrostatic pressure test by a member of the boiler inspection department of the district police, or by an inspector holding a certificate of competency as an inspector of steam boilers, as provided by section six of chapter four hundred and sixty-five of the acts of the year nineteen hundred and seven, and employed by the company insuring the boiler. The pressure allowed on such boilers is to be ascertained by rules formulated by the board of boiler rules. No certificate of inspection shall be granted on any boiler installed after May first, nineteen hundred and eight, which does not conform to the rules formulated by the board of boiler rules.

SECTION 2. Section twenty-six of said chapter four hundred and sixty-five is hereby amended by adding at the end thereof the words:—The board of boiler rules shall hold public hearings on the first Thursday in May and November of each year, and at such other times as the board may determine, on petitions for changes in the rules formulated by said board. If the board, after any such hearing, shall deem it advisable to make changes in said rules, it shall appoint a day for a further hearing, and shall give notice thereof and of the changes proposed by advertising in at least one newspaper in each of the cities of Boston, Worcester, Springfield, Fall River, Lowell and Lynn, at least ten days before said hearing. If the board on its own initiative contemplates changes in said rules, like notice and a hearing shall be given and held before the adoption thereof. Changes made in the rules which affect the construction of new boilers shall take effect six months after the approval of the same by the governor: *provided, however,* that the board may, upon request, permit the application of such change in, or additions to, rules, to boilers manufactured or installed during said six months. When a person desires to manufacture a special type of boiler the design of which is not covered by the rules

1907, 465, § 26,  
amended.

Rules to be  
formulated.

formulated by the board of boiler rules, he shall submit drawings and specifications of such boiler to said board, which, if it approves, shall permit the construction of the same, — so as to read as follows: — *Section 26.* It shall be the duty of the board of boiler rules to formulate rules for the construction, installation and inspection of steam boilers, and for ascertaining the safe working pressure to be carried on said boilers, to prescribe tests, if they deem it necessary, to ascertain the qualities of materials used in the construction of boilers; to formulate rules regulating the construction and sizes of safety valves for boilers of different sizes and pressures, the construction, use and location of fusible safety plugs, appliances for indicating the pressure of steam and the level of water in the boiler, and such other appliances as the board may deem necessary to safety in operating steam boilers; and to make a standard form of certificate of inspection. The board of boiler rules shall hold public hearings on the first Thursday in May and November of each year, and at such other times as the board may determine, on petitions for changes in the rules formulated by said board. If the board, after any such hearing, shall deem it advisable to make changes in said rules, it shall appoint a day for a further hearing, and shall give notice thereof and of the changes proposed by advertising in at least one newspaper in each of the cities of Boston, Worcester, Springfield, Fall River, Lowell and Lynn, at least ten days before said hearing. If the board on its own initiative contemplates changes in said rules, like notice and a hearing shall be given and held before the adoption thereof. Changes made in the rules which affect the construction of new boilers shall take effect six months after the approval of the same by the governor: *provided, however,* that the board may, upon request, permit the application of such change in, or additions to, rules, to boilers manufactured or installed during said six months. When a person desires to manufacture a special type of boiler the design of which is not covered by the rules formulated by the board of boiler rules, he shall submit drawings and specifications of such boiler to said board, which, if it approves, shall permit the construction of the same.

Proviso.

1907, 465, § 28,  
amended.

SECTION 3. Section twenty-eight of said chapter four hundred and sixty-five is hereby amended by adding at the

end thereof the words:—The provisions of this act relative to the inspection and operation of boilers within the commonwealth shall not be held to apply to steam fire engines brought into the commonwealth for temporary use in times of emergency, for the purpose of checking conflagrations,—so as to read as follows:—*Section 28.* The boiler inspection department of the district police shall enforce the provisions of the preceding sections, and such rules as shall be promulgated by the board of boiler rules with the approval of the governor. Whoever violates any provision of this act or of the said rules shall be punished by a fine of not less than twenty nor more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment. A trial justice shall have jurisdiction of complaints for violation of the provisions of this act, and in such cases may impose a fine of not more than fifty dollars. All members of the boiler inspection department of the district police shall have authority in the pursuance of their duty to enter any premises on which a boiler is situated, and any person who hinders or prevents or attempts to prevent any member of the boiler inspection department from so entering shall be liable to the penalty specified in this section. The provisions of this act relative to the inspection and operation of boilers within the commonwealth shall not be held to apply to steam fire engines brought into the commonwealth for temporary use in times of emergency, for the purpose of checking conflagrations. *Approved May 14, 1909.*

Enforcement  
of provisions.

Penalty.

AN ACT RELATIVE TO THE LIABILITY FOR THE EXTINGUISHMENT OF FOREST FIRES.

*Chap. 394*

*Be it enacted, etc., as follows:*

SECTION 1. Any railroad corporation which, by its servants or agents, negligently, or in violation of law, sets fire to grass lands or forest lands shall be liable to any city or town in which such fire occurs, for the reasonable and lawful expense incurred by such city or town in the extinguishment of the fire.

Liability for  
extinguish-  
ment of forest  
fires.

SECTION 2. Cities and towns may recover sums to which they are entitled under the provisions of this act by an action of contract in the superior court.

Cities and  
towns may  
recover, etc.

*Approved May 14, 1909.*

*Chap. 395* AN ACT RELATIVE TO THE SCHOOL COMMITTEE OF THE  
CITY OF CAMBRIDGE.

*Be it enacted, etc., as follows:*

1891, 364, § 31,  
etc., amended.

SECTION 1. Section thirty-one of chapter three hundred and sixty-four of the acts of the year eighteen hundred and ninety-one, as amended by section two of chapter five hundred and sixty-six of the acts of the year nineteen hundred and seven, and by section one of chapter three hundred and sixty-two of the acts of the year nineteen hundred and eight, is hereby further amended by striking out the words "the school committee may further appropriate and expend a sum sufficient to meet the necessary expenses of the school committee for the period beginning December first, nineteen hundred and seven, and ending March thirty-first, nineteen hundred and eight, both dates inclusive: *provided*, that said sum shall not exceed by more than thirty-five thousand dollars the proportionate part for the said period of the limit above prescribed", in the seventeenth to the twenty-fourth lines, both inclusive, and inserting in place thereof the words:—the words "maintenance of school buildings", shall not include the restoration of a school building when damaged or destroyed by fire, explosion, or other unavoidable casualty, — so as to read as follows:— *Section 31.* The school committee and overseers of the poor shall respectively perform all such duties as the school committee and overseers of the poor in towns are required by law to perform. The school committee shall annually appropriate money for the maintenance of the schools and school buildings and for the salaries of all teachers and other employees, including janitors of school buildings, employed by them: *provided*, *however*, that the school committee shall not appropriate or expend in any one year a sum amounting to more than five dollars on each one thousand dollars of taxable property of the city, to be estimated by taking the average amount of taxable property during the three preceding years, but may appropriate in addition such further sums as may accrue to the city as revenue from the school department; and *provided, further*, that the words "maintenance of school buildings", shall not include the restoration of a school building when damaged or destroyed

Duties of  
school com-  
mittee and  
overseers of  
the poor.

Provisos.



by fire, explosion, or other unavoidable casualty. The school committee shall appoint a superintendent of schools and shall elect the teachers of the public schools as provided by section thirty-two of chapter forty-two of the Revised Laws. It shall approve the location and plans of all school buildings. It shall have entire charge of the buildings used for school purposes and shall have authority to appoint and remove, under the laws regulating the civil service, the janitors and other persons employed therein. It shall have entire control over the expenditure of moneys devoted to the maintenance of schools. The overseers of the poor shall annually on the first Monday of May meet and organize, and shall choose such subordinate officers and agents as they may deem expedient, and define their duties and fix their salaries; but no members of the board shall be eligible to be chosen by said board to any position of emolument.

Organization  
of overseers  
of the poor.

SECTION 2. This act shall take effect upon its passage.

*Approved May 14, 1909.*

AN ACT RELATIVE TO THE PROTECTION OF DEER.

*Chap. 396*

*Be it enacted, etc., as follows:*

Section seventeen of chapter ninety-two of the Revised Laws, as amended by chapter three hundred and seven of the acts of the year nineteen hundred and seven and by chapter three hundred and seventy-seven of the acts of the year nineteen hundred and eight, is hereby further amended by striking out the said section and inserting in place thereof the following: — *Section 17.* It shall be unlawful before the first day of November in the year nineteen hundred and ten to hunt, pursue, wound or kill a deer, or to sell or offer for sale, or to have in possession for the purpose of sale, a deer or the flesh of a deer captured or killed in this commonwealth: *provided*, that this act shall not apply to a tame deer belonging to any person and kept on his own premises; and *provided, further*, that any farmer or other person may pursue, on land owned or occupied by him, wound or kill with a shotgun, but not with a rifle, any deer which he can prove was found destroying or injuring any fruit tree or any crop, except grass growing on uncultivated land; and he may authorize any member of his family, or any person employed by

R. L. 92, § 17,  
etc., amended.

Hunting, etc.,  
of deer  
regulated.

Provisos.

him so to pursue, wound or kill a deer under the circumstances above specified. In the event of the wounding or killing of a deer as aforesaid, it shall be the duty of the person by whom or under whose direction the deer was wounded or killed to mail or transmit within twenty-four hours thereafter a report in writing of the facts relative to the wounding or killing, signed by him, to the commissioners on fisheries and game. The said report shall state the time and place of the wounding or killing, and the kind of tree or crop injured or destroyed by the deer. But it shall be unlawful to sell or offer for sale a deer or any part thereof killed under the aforesaid provision. A violation of any provision of this section shall be punished by fine not exceeding one hundred dollars for each offence.

Penalty.

*Approved May 14, 1909.*

**Chap.397** AN ACT TO PROVIDE FOR AN ADDITIONAL APPROPRIATION FOR THE ERECTION AT ATTLEBOROUGH OF A BUILDING FOR THE FOURTH DISTRICT COURT OF BRISTOL.

*Be it enacted, etc., as follows:*

1908, 125, § 3,  
amended.

Section three of chapter one hundred and twenty-five of the acts of the year nineteen hundred and eight is hereby amended by striking out the word "thirty", in the fourth line, and inserting in place thereof the words:—one hundred,—by striking out the word "three", in the sixth line, and inserting in place thereof the word:—ten,—and by striking out the word "eight", in the seventh line, and inserting in place thereof the word:—nine,—so as to read as follows:—*Section 3.* In order to meet the expenses incurred under this act said county commissioners may borrow from time to time upon the credit of said county a sum not exceeding one hundred thousand dollars. This indebtedness shall be paid out of amounts received for taxes, at the rate of ten thousand dollars each year, beginning with the year nineteen hundred and nine, until the whole indebtedness is paid.

County com-  
missioners  
may borrow  
money, etc.

*Approved May 14, 1909.*

AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN VET- *Chap.398*  
ERAN CLERKS OF COURTS.

*Be it enacted, etc., as follows:*

A veteran of the civil war in the service of any county, as clerk of any court, if incapacitated for active duty, may be retired from active service by the commissioners of the county in which he is employed, with the consent of the governor, at one half the rate of compensation paid to him when in active service, to be paid out of the treasury of the county: *provided*, that no veteran shall be entitled to be retired under the provisions of this act unless he shall have been in the service of the county at least ten years and shall have arrived at the age of sixty-five. But, if, in the opinion of the governor and council, any veteran of the civil war in said service is incapacitated to such a degree as to render his retirement necessary for the good of the service, he may so be retired at any time.

Retirement of certain clerks of courts.

Proviso.

*Approved May 17, 1909.*

AN ACT TO PROVIDE FOR THE REGISTRATION OF PUBLIC *Chap.399*  
ACCOUNTANTS.

*Be it enacted, etc., as follows:*

SECTION 1. The bank commissioner shall have charge of the registration of public accountants, shall make such rules as are necessary to carry out the provisions of this act, and shall keep a record of all certificates issued hereunder, a duplicate of which shall be open to inspection in the office of the secretary of the commonwealth.

Registration of public accountants.

SECTION 2. The said commissioner shall examine any citizen of the United States resident in the commonwealth and not less than twenty-one years of age, who may apply for such a certificate, shall investigate his character and fitness and shall require the payment of such a reasonable and fixed fee, not exceeding twenty-five dollars for each certificate, as may be necessary in his opinion to carry out the provisions of this act.

Examination of applicants.

SECTION 3. Any applicant whom said commissioner deems to have the necessary qualifications and professional ability shall be registered as a public accountant, and shall receive a certificate thereof, good for one year from its

Certification of accountants.

date. Said certificate may be renewed from year to year upon the payment of five dollars for each renewal. Said commissioner shall have power, after notice and a hearing, to suspend or revoke for good cause any certificate issued by him.

Penalty.

SECTION 4. Any person who falsely represents himself to be a public accountant registered under the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

When to take effect.

SECTION 5. This act shall take effect on the first day of October in the year nineteen hundred and nine.

*Approved May 17, 1909.*

### Chap.400

### AN ACT RELATIVE TO THE CHATTEL LOAN COMPANY.

*Be it enacted, etc., as follows:*

1907, 415,  
amended.

Corporation  
not to do  
business under  
any name  
other than its  
true corporate  
name, etc.

Chapter four hundred and fifteen of the acts of the year nineteen hundred and seven is hereby amended by inserting after section ten the following new section, to be numbered eleven: — *Section 11.* Said corporation shall not conduct its business or advertise to do business under any name other than its true corporate name, and shall not maintain any sign, placard, notice or advertisement relating to its office or place or places of business, bearing any name other than its true corporate name; and said corporation shall not maintain more than one office or place of business unless it shall be authorized so to do by the bank commissioner; and it shall have present at each office during the hours when its office is open for the conduct of business, on each secular day, some person duly authorized by the corporation to make and discharge loans and to execute and deliver all necessary instruments of discharge and release of any security held to secure the payment of any debt due to the corporation. The bank commissioner shall have power, from time to time, to establish regulations respecting the business carried on by said corporation and the conduct thereof, and shall have power upon the violation of any such regulation or of any law applicable to said corporation or to the conduct of its business, to suspend its right to transact further business, in whole or in part, within the commonwealth, tempo-

Bank com-  
missioner to  
have certain  
powers, etc.

rarily or permanently, as the public interest may require; and the supreme judicial court for the county of Suffolk shall have power in equity to enforce the provisions of law applicable to said corporation, and to enforce any reasonable order, regulation or decision relating thereto made by the bank commissioner.

*Approved May 17, 1909.*

AN ACT TO PROVIDE FUNDS FOR PAYMENT TO THE CITY OF BOSTON FOR THE INSANE HOSPITAL TAKEN BY THE COMMONWEALTH. Chap. 401

*Be it enacted, etc., as follows:*

SECTION 1. To enable the state board of insanity to carry out the provisions of chapter six hundred and thirteen of the acts of the year nineteen hundred and eight, being an act to provide for the care of the insane of the city of Boston by the commonwealth, said board having taken over the hospital for the care of insane in that city, and having come to an agreement with the city as to the payment of damages for the same in accordance with said act, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding one million dollars, for a term not exceeding thirty years. Such scrip or certificates of indebtedness shall be issued as registered bonds, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of May and November. They shall be designated on the face thereof as the Prisons and Hospitals Loan, shall be countersigned by the governor, shall be deemed a pledge of the faith and credit of the commonwealth, and the principal and interest thereof shall be paid at the times specified therein in gold coin of the United States or its equivalent. The said securities shall be disposed of at public auction, or in such other manner, and at such times and prices, and in such amounts, and shall bear such rates of interest, not exceeding four per cent per annum, as shall be deemed for the best interests of the commonwealth, but none of the same shall be sold at less than their par value. The sinking fund established by the acts of the year eighteen hundred and seventy-four, known as the Prison and Hospital Loan Sinking Fund, shall also be maintained for the purpose of extinguishing

Prisons and  
Hospitals  
Loan.

Sinking fund.



bonds issued under authority hereof; and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Treasurer and receiver general may borrow money, etc.

SECTION 2. In anticipation of the issue of bonds provided for by this act the treasurer and receiver general is authorized to borrow temporarily the sum herein provided for, with the approval of the governor and council, if it shall be deemed for the best interests of the commonwealth.

SECTION 3. This act shall take effect upon its passage.  
*Approved May 18, 1909.*

**Chap.402** AN ACT RELATIVE TO THE FILING AND RECEIVING TIME OF TELEGRAMS.

*Be it enacted, etc., as follows:*

Filing and receiving time of telegrams.

SECTION 1. Every person, firm, corporation or association engaged in the business of transmitting communications by telegraph in this state and charging tolls therefor, shall cause to appear plainly upon the addressee's copy of every telegram originating at and destined for a point within the commonwealth, the hour and minute of the day on which it was filed for transmission and the hour and minute of the day of its receipt at its destination.

Penalty.

SECTION 2. Violation of the provisions of this act shall be punished by a fine not exceeding one hundred dollars for every telegram in respect to which the violation occurs.

*(The foregoing was laid before the Governor on the twelfth day of May, 1909, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)*

**Chap.403** AN ACT RELATIVE TO THE TAKING OF SCALLOPS.

*Be it enacted, etc., as follows:*

Taking, etc., of scallops regulated.

SECTION 1. It shall be unlawful to take from the flats or waters of the commonwealth scallops other than adult scallops, or to sell or offer for sale, or have in possession

such scallops so taken. For the purposes of this act an adult scallop shall be a scallop with a well-defined, raised growth line. Scallops taken from the tide waters of the commonwealth shall be culled out when taken, and all scallops other than adult scallops so taken shall immediately be returned alive to tide water which is at least three feet deep at mean low water. But the provisions of this section shall not apply to scallops other than adult scallops unavoidably taken: *provided*, that the number so taken at any one time does not exceed fifteen per cent of the total catch, after being culled as herein provided. All scallops taken in accordance with the provisions of this act shall be taken ashore in the shell.

Proviso.

SECTION 2. No person shall take scallops between the first day of April and the first day of September from the flats or waters of the commonwealth, or buy, sell or have in possession scallops so taken. But the provisions of this section shall not apply to the taking of scallops for bait in waters adjacent to the town of Nantucket from the first day of April to the fifteenth day of May inclusive; nor shall they prohibit any person at any time from taking scallops found on the flats or shores above mean low water mark.

Close season established.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine not exceeding twenty-five dollars. Possession of scallops other than adult scallops, except as is otherwise provided in section one, shall be prima facie evidence that such scallops were taken contrary to law.

Penalty.

SECTION 4. Chapter two hundred and ninety-seven of the acts of the year nineteen hundred and seven and chapter two hundred and seventy of the acts of the year nineteen hundred and eight, and all acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

*Approved May 19, 1909.*

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AN ACT TO REGULATE THE FISHERIES IN TAUNTON GREAT RIVER AND THE NEMASKET RIVER. Chap. 404

*Be it enacted, etc., as follows:*

Chapter four hundred and one of the acts of the year eighteen hundred and fifty-five is hereby amended by striking out section ten and inserting in place thereof the

1855, 401, § 10, amended.

Fishway to be kept open.

Proviso.

Penalty.

following:—*Section 10.* The proprietors of the mills and dam at King's bridge in Squawbetty village and all other proprietors of dams on said rivers shall maintain a way so constructed as not to hinder the free passage of fish up and down said rivers; and into and out of the ponds at the head of said rivers: *provided, however,* that such way need be kept open only at such times as may be prescribed in writing by the commissioners on fisheries and game. The proprietors of any dam on said rivers who shall not comply with the provisions of this section, shall forfeit and pay the sum of twenty dollars for every day during which they shall wilfully neglect to comply therewith, to be recovered in an action of tort, to the use of any fish warden, commissioners on fisheries and game, or any deputy fish and game commissioner who shall sue for the same, in any court of competent jurisdiction.

*Approved May 19, 1909.*

**Chap.405** AN ACT TO PROVIDE FOR THE APPOINTMENT OF INSPECTORS AND COLLECTORS OF MILK BY BOARDS OF HEALTH.

*Be it enacted, etc., as follows:*

Inspectors of milk, appointment, etc.

**SECTION 1.** The boards of health of cities shall, and boards of health of towns or the selectmen acting as such boards, may, appoint one or more inspectors of milk for their respective cities and towns. In cities such inspectors, after appointment, may be removed from office in accordance with the provisions of chapter three hundred and fourteen of the acts of the year nineteen hundred and four; in towns they may be removed at any time by the appointing board. Such inspectors shall have the powers and perform the duties now conferred and imposed by law upon the inspectors of milk, but they shall be under the control of the boards of health appointing them, and shall perform such other duties as the said boards may designate. Their compensation shall be determined by the boards of health in cities, and by the selectmen in towns appointing them.

Collectors of milk, appointment, etc.

**SECTION 2.** The collectors of milk provided for by section fifty-two of chapter fifty-six of the Revised Laws shall hereafter be appointed by the board of health, or by the selectmen acting as such a board, in each city or town,

and the said boards may also designate and employ any member of the board or any agent or employee thereof, to act as a collector of milk, and the collectors of milk so appointed or designated shall have the powers and perform the duties conferred or imposed by law upon collectors of milk.

SECTION 3. Section fifty-three of said chapter which provides for the licensing of vendors of milk in vehicles is hereby amended by adding at the end thereof the following: — If the applicant for a license fails to comply with any regulation established by the board of health in the city or town where the application is made, a license may be refused until he has complied with such regulation; and a license granted under this section may be revoked at any time for failure to comply with any such regulation. If a license is refused or revoked under this provision, an appeal may be taken to the state board of health, whose decision shall be final and conclusive.

R. L. 56, § 53,  
amended.

Revocation,  
etc., of  
license.

SECTION 4. So much of sections fifty-one and fifty-two of said chapter fifty-six as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage; but inspectors and collectors of milk in office at the time of the passage of this act shall continue in office until their successors are appointed hereunder.

When to take  
effect, etc.

*Approved May 19, 1909.*

AN ACT TO AUTHORIZE THE CITY OF CHICOPEE TO TAKE  
AN ADDITIONAL WATER SUPPLY AND TO MAKE AN ADDI-  
TIONAL WATER LOAN.

*Chap. 406*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Chicopee, for the purpose of extending its system of water supply and supplying water to that part of said city known as Fairview, may take, or acquire by purchase or otherwise, and hold the waters of any pond or stream or of any ground sources of supply by means of driven, artesian or other wells within the limits of the city, and the water rights connected with any such water sources, and may also take, or acquire by purchase or otherwise, and hold all lands, rights of way and easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for

City of  
Chicopee may  
take addi-  
tional sources  
of water  
supply.

Proviso.

conveying the same to any part of said city: *provided, however*, that no source of water supply and no lands necessary for preserving the quality of the water shall be acquired without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board.

May erect  
structures,  
make excava-  
tions, etc.

SECTION 2. The said city may construct on the lands acquired and held under the provisions of this act proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways in said city in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, the city may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways. The city shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners.

Description of  
land taken to  
be recorded.

SECTION 3. The city shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid file and cause to be recorded in the registry of deeds for the county of Hampden a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners. The title to all land acquired under the provisions of this act shall vest in the city of Chicopee, and the land so acquired may be managed, improved and controlled by the board of



water commissioners in such manner as they shall deem for the best interest of the city.

SECTION 4. The city shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said city under authority of this act. Any person or corporation sustaining damages as aforesaid and failing to agree with the city as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within the period of two years after the taking of such land or other property or the doing of other injury under authority of this act; and no such application shall be made after the expiration of the said two years: *provided*, that no application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by the city under authority of this act, and the said period of two years shall not begin until the water is actually withdrawn and diverted as aforesaid. The city may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages caused by such taking shall be based upon the said amount or quantity until the same shall be increased by vote or otherwise, and in that event the city shall be further liable only for the additional damages caused by such additional taking.

Damages.

Proviso.

SECTION 5. The said city, for the purposes named in this act, may issue from time to time bonds, notes or scrip to an amount not exceeding twenty-eight thousand dollars in addition to the amounts heretofore authorized to be issued by the city for water purposes. Such bonds, notes or scrip shall bear on their face the words, City of Chicopee Water Loan, Act of 1909; shall be payable at the expiration of periods not exceeding fifteen years from the dates of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent per annum; and shall be signed by the treasurer and countersigned by the mayor of the city. The city may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act upon such terms and conditions

City of  
Chicopee  
Water Loan,  
Act of 1909.

Proviso.

as it may deem proper: *provided*, that the securities shall not be sold for less than their par value.

Payment of loan.

SECTION 6. The city shall, at the time of authorizing said loan or any portion thereof, provide for the payment thereof in such annual payments, as nearly equal in amount as practicable, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the said bonds, notes or scrip, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed and collected by the city in each year thereafter in a manner similar to that in which other taxes are assessed, until the debt incurred by said loan is extinguished.

Water commissioners, powers and duties, etc.

SECTION 7. The board of water commissioners of said city appointed under the provisions of section ten of chapter three hundred and eighty-four of the acts of the year eighteen hundred and ninety-two, shall superintend and direct the construction, execution and performance of all the works, matters and things mentioned in the preceding sections. Said board shall make all contracts for the above purposes in the name and behalf of the city, but no contract shall be made by them which involves the expenditure of money not already appropriated for the purpose by the board of aldermen. All existing laws, ordinances and regulations in respect to the said water commissioners shall apply to all matters herein enacted unless other provision is made herein.

Penalty for pollution of water, etc.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said city under authority of this act, shall forfeit and pay to the city three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon being convicted of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in jail for a term not exceeding one year.

SECTION 9. This act shall take effect upon its passage.

*Approved May 19, 1909.*

AN ACT RELATIVE TO FRATERNAL BENEFICIARY CORPORATIONS. *Chap. 407*

*Be it enacted, etc., as follows:*

Section twelve of chapter one hundred and nineteen of the Revised Laws, as amended by chapter three hundred and thirty-two of the acts of the year nineteen hundred and three, is hereby further amended by inserting after the word "particular", in the third line, the words:— fraternal beneficiary corporation,— so as to read as follows:— *Section 12.* A fraternal beneficiary corporation,— or an association which limits its membership to a particular fraternal beneficiary corporation, order, class or fraternity, or to the employees of towns or cities, the commonwealth, or the federal government, or of a designated firm, business house or corporation,— or a secret fraternity or order,— or a purely charitable association or corporation existing on the twenty-eighth day of June in the year eighteen hundred and ninety-nine or on the twenty-third day of May in the year nineteen hundred and one,— any one of which pays a death or funeral benefit not exceeding two hundred dollars, or disability benefits not exceeding ten dollars a week, or an annuity or gratuity contingent upon length of service not exceeding five hundred dollars in any one year, or any or all of said benefits, and which is not conducted as a business enterprise or for profit, may transact in this commonwealth such business, without otherwise conforming to the provisions of this chapter. An association which limits its membership, benefits and business as described in this section may be incorporated in the manner prescribed in sections one and two of this chapter, so far as the same are applicable. The money or other benefit to be paid by such a corporation shall be exempt from attachment as provided in section seventeen of this chapter. The recording officer of any organization claiming exemption under this section shall file a certified copy of its by-laws with the insurance commissioner whenever he shall so require in writing.

R. L. 119, § 12,  
etc., amended.

Certain corporations may pay death or disability benefits, etc.

Exemption from attachment.

*Approved May 19, 1909.*

**Chap.408** AN ACT RELATIVE TO NOTICES GIVEN TO PREVENT THE SALE OF INTOXICATING LIQUORS TO CERTAIN PERSONS.

*Be it enacted, etc., as follows:*

R. L. 100, § 63,  
amended.

Selling liquor  
to a person  
contrary to no-  
tice.

SECTION 1. Section sixty-three of chapter one hundred of the Revised Laws is hereby amended by adding at the end thereof the following: — The person receiving a notice under the provisions of this section may within five days thereafter give notice in writing that he will require in writing further means of identification, and unless a description of the person having the habit of drinking spirituous or intoxicating liquors to excess is furnished within five days after such notice, giving the age, residence, occupation and the name of the employer of such person, damages shall not be assessed as herein provided without proof that the individual was in fact known to the person notified.

SECTION 2. This act shall take effect upon its passage.

*Approved May 19, 1909.*

**Chap.409** AN ACT RELATIVE TO THE BUILDING OF CERTAIN STRUCTURES OVER SOUTH UNION STREET IN THE CITY OF LAWRENCE.

*Be it enacted, etc., as follows:*

Bridges  
may be built  
across certain  
street in the  
city of Law-  
rence.

SECTION 1. Upon petition and after seven days' notice published in at least three newspapers published in the city of Lawrence, and a public hearing thereon, the board of aldermen of that city may, with the approval of the mayor, issue a permit to the Wood Worsted Mills and the Ayer Mills to build and maintain a bridge or bridges across South Union street in said city for the purpose of connecting buildings owned by them on opposite sides of said street, on such conditions and subject to such restrictions as the said board may prescribe.

Construction,  
etc.

SECTION 2. No bridge built across said street, under a permit granted as aforesaid, shall be constructed or maintained at a height less than twenty feet above the grade line of said street; and no bridge shall be more than twelve feet in width, and no part of the bridge or its support shall rest on the surface of the street.

Damages.

SECTION 3. Any person whose property is damaged by reason of the construction of any bridge permitted to be

built as provided in this act may have the damages therefor determined by a jury upon petition to the superior court filed within one year after the construction of such bridge.

SECTION 4. This act shall take effect upon its passage.  
*Approved May 19, 1909.*

AN ACT RELATIVE TO THE COMPENSATION OF CERTAIN  
CLERKS IN THE BOILER INSPECTION DEPARTMENT OF THE  
DISTRICT POLICE.

*Chap. 410*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter five hundred and twenty-two of the acts of the year nineteen hundred and six is hereby amended by adding at the end thereof the words:—The salary of said four additional clerks shall increase by yearly increments of fifty dollars until it reaches the sum of seven hundred and fifty dollars: *provided, however*, that such increase is approved, from year to year, by the chief of the district police for the efficiency and merit of said clerks or of any of them, — so as to read as follows:—*Section 1.* The governor is hereby authorized and directed to appoint five additional members of the inspection department of the district police, who shall be not above forty-five years of age. Said age limit shall apply to all new appointments to said boiler inspection department, but shall not apply to any reappointment thereto. They shall be detailed for the inspection of boilers, and shall receive the same compensation now received by the present inspectors of boilers. The governor is also hereby authorized to appoint one clerk, at an annual salary of eight hundred dollars, to serve in the said department, and four additional clerks, at an annual salary of six hundred dollars each, to serve at branch offices in the said department. The salary of said four additional clerks shall increase by yearly increments of fifty dollars until it reaches the sum of seven hundred and fifty dollars: *provided, however*, that such increase is approved, from year to year, by the chief of the district police for the efficiency and merit of said clerks or of any of them.

1906, 522, § 1,  
amended.

Additional  
members of  
inspection de-  
partment of  
the district  
police, appoint-  
ment, etc.

Proviso.

SECTION 2. This act shall take effect upon its passage.  
*Approved May 19, 1909.*



**Chap.411** AN ACT MAKING APPROPRIATIONS FOR THE SUPPRESSION  
OF THE GYPSY AND BROWN TAIL MOTHS.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, to wit:—

Suppression of gypsy and brown tail moths.

For the suppression of the gypsy and brown tail moths in the year nineteen hundred and nine, and for expenses incidental thereto, a sum not exceeding one hundred and fifty thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Experimenting with parasites.

For experimenting with parasites or natural enemies for destroying said moths, and for expenses incident thereto, a sum not exceeding fifteen thousand dollars, in addition to any unexpended balance of a former appropriation for this purpose.

SECTION 2. This act shall take effect upon its passage.

*Approved May 19, 1909.*

**Chap.412** AN ACT RELATIVE TO THE ADJUSTMENT, TESTING AND  
SEALING OF WEIGHING AND MEASURING DEVICES USED  
FOR HIRE OR REWARD.

*Be it enacted, etc., as follows:*

R. L. 62 to apply to certain weighing and measuring devices.

SECTION 1. The provisions of chapter sixty-two of the Revised Laws relating to the adjustment, testing and sealing of weights, measures and balances shall apply to all weighing and measuring devices used for the purposes of weighing and measuring for hire or reward.

Devices to be marked, etc.

SECTION 2. A sealer or deputy sealer shall seal such devices when they are tested and found correct, and shall mark, condemn or seize such devices if found incorrect, in accordance with the provisions of said chapter sixty-two applicable to weights, measures and balances; and all penalties imposed by said chapter for violation of the provisions thereof relative to weights, measures and balances shall also apply to the devices aforesaid.

*Approved May 19, 1909.*

AN ACT TO AUTHORIZE THE APPOINTMENT OF AN ADDITIONAL MEMBER OF THE DISTRICT POLICE TO SERVE AS AN INSPECTOR OF FACTORIES AND PUBLIC BUILDINGS. *Chap.413*

*Be it enacted, etc., as follows:*

SECTION 1. The governor is hereby authorized to appoint one additional member of the district police force, who shall be employed as an inspector of factories and public buildings, and whose term of office, salary, powers and duties shall be the same as those of the members of the district police force already appointed. Additional member of district police force, appointment, etc.

SECTION 2. This act shall take effect upon its passage.  
*Approved May 19, 1909.*

AN ACT RELATIVE TO THE ESTABLISHMENT OF THREE SANATORIUMS FOR TUBERCULAR PATIENTS. *Chap.414*

*Be it enacted, etc., as follows:*

SECTION 1. For finishing and properly equipping the three sanatoriums provided for by chapter four hundred and seventy-four of the acts of the year nineteen hundred and seven, and for grading the land about the same, the trustees therefor are hereby authorized to expend a further sum of fifteen thousand dollars, in addition to the three hundred thousand dollars authorized to be expended by section five of the said act. Sanatoriums for tubercular patients, certain expenditures authorized for.

SECTION 2. For the above purposes the treasurer and receiver general is authorized, with the approval of the governor and council, to issue additional scrip or certificates of indebtedness to an amount not exceeding fifteen thousand dollars, for a term not exceeding thirty years, with interest, at a rate not exceeding four per cent per annum, payable semi-annually on the first days of May and November. The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the Prisons and Hospitals Loan Sinking Fund, shall also be maintained for the purpose of extinguishing bonds issued under authority of this act. Treasurer and receiver general may issue scrip, etc.

SECTION 3. This act shall take effect upon its passage.  
*Approved May 19, 1909.*

*Chap.415* AN ACT RELATIVE TO THE ASSETS OF FOREIGN INSURANCE COMPANIES.

*Be it enacted, etc., as follows:*

1907, 576, § 84,  
amended.

Proof of  
organization  
and capital.

SECTION 1. Section eighty-four of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven is hereby amended by inserting after the word "dollars", in the sixteenth line of the second clause, the words: — or if authorized to transact the business of fire insurance only that it possesses net cash assets of not less than seventy-five thousand dollars, with also invested assets of not less than one hundred and fifty thousand dollars, with additional contingent assets of not less than one hundred and fifty thousand dollars; or that it possesses net cash assets equal to its total liability, with also invested assets of not less than one hundred thousand dollars and with additional contingent assets of not less than one hundred thousand dollars, — so that said second clause will read as follows: — Second, It has satisfied the insurance commissioner that it is fully and legally organized under the laws of its state or government to do the business it proposes to transact; that it has, if a stock company, a fully paid up and unimpaired capital, exclusive of stockholders' obligations of any description, of an amount not less than is required of similar companies formed under the provisions of this act, and if a mutual company, other than life, that it has net cash assets equal to the capital required of like companies on the stock plan; or that it possesses net cash assets of not less than one hundred thousand dollars or net cash assets of not less than fifty thousand dollars, with also invested assets of not less than one hundred thousand dollars and, in each case, with additional contingent assets of not less than three hundred thousand dollars, or if authorized to transact the business of fire insurance only that it possesses net cash assets of not less than seventy-five thousand dollars, with also invested assets of not less than one hundred and fifty thousand dollars, with additional contingent assets of not less than one hundred and fifty thousand dollars; or that it possesses net cash assets equal to its total liability, with also invested assets of not less than one hundred thousand dollars and with additional contingent assets of not less

than one hundred thousand dollars, and that such capital or net assets are well invested and immediately available for the payment of losses in this commonwealth; and that it insures on any single hazard an amount no larger than one tenth of its net assets.

SECTION 2. This act shall take effect upon its passage.

*Approved May 19, 1909.*

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AN ACT TO ESTABLISH A BOARD OF COMMISSIONERS FOR THE PROMOTION OF UNIFORMITY OF LEGISLATION IN THE UNITED STATES.

*Chap. 416*

*Be it enacted, etc., as follows:*

SECTION 1. The governor, with the advice and consent of the council, shall within thirty days after the passage of this act appoint three suitable persons, who are hereby constituted a board of commissioners by the name of Commissioners for the Promotion of Uniformity of Legislation in the United States. The commissioners shall meet and organize within thirty days after their appointment, and shall hold office for a term not exceeding five years from the date of their organization. Any vacancy in the commission arising by resignation or otherwise shall be filled for the unexpired term by appointment by the governor with the advice and consent of the council. The governor may remove for cause any or all of said commissioners.

Commissioners for the Promotion of Uniformity of Legislation in the United States, appointment, etc.

Vacancy.

SECTION 2. It shall be the duty of said board to examine the subjects of marriage and divorce, insolvency, the descent and distribution of property, the execution and probate of wills and other subjects upon which uniformity of legislation in the various states and territories of the union is desirable, but which are outside the jurisdiction of the congress of the United States; to confer upon these matters with the commissioners appointed by other states and territories for the same purpose; to consider and draft uniform laws to be submitted for approval and adoption by the several states; and generally to devise and recommend such other or further course of action as may tend to accomplish the purposes of this act.

Duties.

SECTION 3. The said board of commissioners shall keep a record of all its doings, and shall on or before the thirty-first day of December in each year, and may at any other time report its doings and its recommendations

Reports.

to the governor and council, to be transmitted to the general court.

Expenses.

SECTION 4. No member of said board shall receive any compensation for his services, but each member shall be repaid from the state treasury the amount of his actual travelling and other necessary expenses incurred in the discharge of his official duty, after the account thereof has been audited by said board and by the state auditor. The said board shall keep a full account of its expenditures and shall report the same in each annual report.

Appropriation.

SECTION 5. To carry out the provisions of this act a sum not exceeding twenty-five hundred dollars may be expended.

SECTION 6. This act shall take effect upon its passage.

*(The foregoing was laid before the Governor on the thirteenth day of May, 1909, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)*

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**Chap.417** AN ACT RELATIVE TO LOCATIONS OF STREET RAILWAY COMPANIES.

*Be it enacted, etc., as follows:*

1906, 463, § 7,  
Part III.,  
amended.

SECTION 1. Section seven of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended by striking out the words "by the president or a majority of the directors", in the second and third lines, and inserting in place thereof the words:—executed in accordance with the by-laws or a vote of the directors,—by striking out the word "thirty", in the forty-second line, and inserting in place thereof the word:—sixty,—by striking out the words "a majority of the directors", in the forty-fourth line, and inserting in place thereof the word:—it,—and by inserting after the word "location", in the forty-fifth line, the words:—executed in accordance with its by-laws or a vote of its directors,—so as to read as follows:—*Section 7.* The board of aldermen of a city or the selectmen of a town, upon the petition executed in accordance with the by-laws or a vote of the directors of a street railway company organized or in process of organization under the provisions of this act, or organized

Locations of  
street  
railways.



under a special act, for an original location of tracks in such city or town, shall give fourteen days' notice of the time and place for a hearing on such petition by publication thereof in one or more newspapers, if any, published in said city or town; otherwise, in such newspaper or newspapers published in the county in which the city or town is situated as shall be designated by the board of aldermen or the selectmen of such city or town; and if, after a hearing, they are of opinion that public necessity and convenience so require, they may grant said location, or any portion thereof, and may prescribe how the tracks shall be laid, and the kind of rails, poles, wires and other appliances which shall be used, and, in addition to the general provisions of law governing such companies, and in respect of matters not treated of in such provisions, impose such other terms, conditions and obligations, incidental to and not inconsistent with the objects of a street railway company, as the public interests may in their judgment require; but no such location shall be valid, until the board of railroad commissioners, after public notice and a hearing, shall certify that such location is consistent with the public interests.

If the board of railroad commissioners requires an alteration in such location before certifying that the same is consistent with the public interests, said board shall notify the board of aldermen or selectmen granting such location of such alteration; and thereafter said board of aldermen or selectmen may amend such location in accordance with such alteration: *provided*, that, if such alteration involves a change in the route of the railway, public notice and a hearing shall be given as hereinbefore provided in the case of an original application for a location; and thereafter the board of railroad commissioners may, as a part of the original proceedings before it, certify that such location so amended is consistent with the public interests. A location so certified to be consistent with the public interests, shall be the true location, if, within sixty days after the issue of notice of said certification to the company, it shall file a written acceptance of such location, executed in accordance with its by-laws or a vote of its directors, with the board of aldermen or selectmen. A location granted by a board of aldermen or selectmen, but refused certification hereunder by the board of railroad

Alteration of location.

Proviso.

commissioners, or not accepted as hereinbefore provided, shall be void. Such location shall also be void, if the certificate of incorporation of the street railway company is not issued, and its organization is not completed, within eighteen months after said issue of said notice of said certification, or if application for said certification is not made to the board of railroad commissioners within thirty days after the grant of said location by the board of aldermen or selectmen. If in any city or town the original location of a street railway company expires, is revoked, or otherwise becomes void, the provisions of this section shall apply to a new petition for an original location therein. All locations which were granted or in use before the first day of October in the year eighteen hundred and ninety-eight are ratified and confirmed as if they had been accepted under the provisions of this section, and shall continue in force, subject only to revocation as provided in section sixty-six, and to the general provisions of law governing such companies.

1906, 463, § 64,  
Part III,  
amended.

SECTION 2. Section sixty-four of Part III of said chapter four hundred and sixty-three is hereby amended by striking out the words "the president or a majority of the directors", in the third line, and inserting in place thereof the words:—upon the petition executed in accordance with the by-laws or a vote of the directors,—by striking out the word "thirty", in the thirty-third line, and inserting in place thereof the word:—sixty,—by striking out the words "a majority of the directors", in the thirty-fourth and thirty-fifth lines, and inserting in place thereof the word:—it,—and by inserting after the word "extension", in the thirty-fifth and thirty-sixth lines, the words:—executed in accordance with its by-laws or a vote of its directors,—so as to read as follows:—*Section 64.* The board of aldermen of a city or the selectmen of a town, upon the petition of fifty legal voters, or upon the petition executed in accordance with the by-laws or a vote of the directors of a street railway company whose tracks are located in said city or town, after public notice and a hearing as provided in section seven, may grant a location for the extension of the tracks of such company, and prescribe how said tracks shall be laid and the kind of rails, poles, wires and other appliances to be used; but they shall impose no terms or conditions to such

Extension of  
location.

grant in addition to those imposed by general laws on street railway companies in force on the first day of October in the year eighteen hundred and ninety-eight, or such as may have been imposed in the grant of original location to such company in such city or town subsequently to said date. No such extension of a location shall be valid, until the board of railroad commissioners, after public notice and a hearing, shall certify that such extension is consistent with the public interests. If said board requires an alteration in such extension before certifying that the same is consistent with the public interests, said board shall notify the board of aldermen or selectmen granting such extension of such alteration; and thereafter said board of aldermen or selectmen may amend such extension in accordance with such alteration: *provided*, that, if such alteration involves a change in the route of the railway, public notice and a hearing shall be given as hereinbefore provided in the case of the original application for an extension; and thereafter the board of railroad commissioners may, as a part of the original proceedings before it, certify that such extension so amended is consistent with the public interests. An extension, so certified to be consistent with the public interests, shall be a valid location, if, within sixty days after the issue of notice of said certification to the company, it shall file a written acceptance of such extension, executed in accordance with its by-laws or a vote of its directors, with the board of aldermen or selectmen. An extension granted by a board of aldermen or selectmen, but refused certification hereunder by the board of railroad commissioners, or not accepted as hereinbefore provided, shall be void.

Proviso.

SECTION 3. Section sixty-five of Part III of said chapter four hundred and sixty-three is hereby amended by striking out the words "of the president or a majority of the directors", in the second and third lines, and inserting in place thereof the words: — executed in accordance with the by-laws or a vote of the directors, — by striking out the word "thirty", in the thirtieth line, and inserting in place thereof the word: — sixty, — by striking out the words "a majority of the directors", in the thirty-first and thirty-second lines, and inserting in place thereof the word: — it, — and by inserting after the word "alteration", in the thirty-second and thirty-third lines, the

1906, 463, § 65,  
Part III,  
amended.

Alteration of  
location.

words: — executed in accordance with its by-laws or a vote of its directors, — so as to read as follows: — *Section 65.* The board of aldermen of a city or the selectmen of a town, upon the petition executed in accordance with the by-laws or a vote of the directors of a street railway company whose tracks are located in said city or town, or upon the petition of any interested party, after public notice and a hearing as provided in section seven, may alter the location of the tracks in the manner prescribed in, and subject to the provisions of, the preceding section. Such alteration shall be made by such company within such time, and the expense thereof shall be borne by such party or parties and in such proportions, as the board of aldermen or selectmen may determine. No such alteration of a location shall be valid, until the board of railroad commissioners, after public notice and a hearing, shall certify that such alteration is consistent with the public interests. If said board requires an amendment to such alteration before certifying that the same is consistent with the public interests, said board shall notify the board of aldermen or selectmen of such amendment; and thereafter said board of aldermen or selectmen may amend such alteration in accordance with the said amendment: *provided*, that, if such amendment involves a change in the route of the railway, public notice and a hearing shall be given as hereinbefore provided in the case of the original application for an alteration; and thereafter the board of railroad commissioners may, as a part of the original proceedings before it, certify that such alteration so amended is consistent with the public interests. An alteration, so certified to be consistent with the public interests, shall be a valid location, if, within sixty days after the issue of notice of said certification to the company, it shall file a written acceptance of such alteration, executed in accordance with its by-laws or a vote of its directors, with the board of aldermen or selectmen.

1906, 463, § 70,  
Part III,  
amended.

SECTION 4. Section seventy of Part III of said chapter four hundred and sixty-three is hereby amended by striking out the words "the president or a majority of the directors of", in the second and third lines, by striking out the words "the directors of", in the fourteenth line, and by inserting after the word "company", in the same line, the words: — by vote of its directors, — so as to read as

follows: — *Section 70.* If the board of aldermen of a city or the selectmen of a town and a street railway company having a location in a way which said board of aldermen or said selectmen or the county commissioners of the county in which said city or town lies, have in writing requested the commonwealth to take charge of, make application to the Massachusetts highway commission, and with the application submit satisfactory plans, profiles and cross-sections of said way, the commission shall indicate on such plans, profiles and cross-sections a location and grade for the tracks of said street railway company. If the commission considers said way suitable for a state highway, and the commission and the street railway company by vote of its directors agree as to the proportionate part of the cost of constructing it which shall be paid by the commonwealth and by the street railway company, the commission may pay, out of the appropriations for the construction and repair of state highways, said proportionate part of the damages sustained by a person whose property may be injured by the construction of such state highway, and of the cost of grading the said way to the lines established by the Massachusetts highway commission. A way which is graded under the provisions of this section shall remain a town way or a highway, subject to all laws relative thereto, until said way is taken charge of as a state highway by the commonwealth.

Location  
upon state  
highways.

SECTION 5. Section thirteen of Part III of said chapter four hundred and sixty-three is hereby amended by adding at the end thereof the following: — Any requirement in the general laws of action to be taken or instruments to be signed by the president, directors, or a majority of the directors, of a street railway company, relative to the grants, extensions, alterations, and revocations of location, abolition of grade crossings and rights in state highways, shall be sufficiently and legally complied with if such action is taken by a vote, or if such instrument is executed in accordance with, and by the person or persons designated in, a vote of the directors of such company, at a meeting duly and properly held, at which a quorum of the board is present, — so as to read as follows: — *Section 13.* The directors shall be elected annually by the stockholders by ballot, and the president shall be elected annually by and from the board of directors, and the treasurer

1906, 463, § 13,  
Part III,  
amended.

Election of  
officers.



Election of  
officers.

and the clerk annually by said board. Every director, unless the by-laws otherwise provide, shall be a stockholder. The treasurer may be required to give a bond for the faithful performance of his duty in such sum and with such sureties as the by-laws may prescribe. The clerk, who shall be a resident of this commonwealth, shall be sworn, and shall record all votes of the company in a book to be kept for that purpose. The officers of a company shall hold office for one year and until their successors are chosen and qualified. The manner of choosing or of appointing all other agents and officers and of filling all vacancies shall be prescribed by the by-laws, and, in default of provision by such by-laws, vacancies may be filled by the board of directors. Any requirement in the general laws of action to be taken or instruments to be signed by the president, directors, or a majority of the directors, of a street railway company, relative to the grants, extensions, alterations, and revocations of location, abolition of grade crossings and rights in state highways, shall be sufficiently and legally complied with if such action is taken by a vote, or if such instrument is executed in accordance with, and by the person or persons designated in, a vote of the directors of such company, at a meeting duly and properly held, at which a quorum of the board is present.

Certain  
provisions to  
apply to the  
Boston Ele-  
vated Railway  
Company.

SECTION 6. Sections seven, sixty-four, sixty-five and seventy of Part III of said chapter four hundred and sixty-three, as amended by this act, and section sixty-six of Part III of said chapter, shall apply to the Boston Elevated Railway Company in respect to the street railways at any time owned, leased or operated by it, and to companies whose railways were, on the first day of October in the year eighteen hundred and ninety-eight, leased or operated by it.

*Approved May 20, 1909.*

**Chap. 418** AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the common-

wealth from the ordinary revenue, except as hereinafter otherwise provided, for the purposes specified, to wit:—

For the publication of an additional volume of special laws passed in the years nineteen hundred and six to nineteen hundred and eight, inclusive, as authorized by chapter thirty-three of the resolves of the present year, a sum not exceeding five thousand dollars.

Special laws.

For the New England Industrial School for Deaf Mutes, as authorized by chapter thirty-four of the resolves of the present year, the sum of thirty-five hundred dollars.

New England Industrial School for Deaf Mutes.

For the payment of certain sums to members of the signal corps of the militia, as authorized by chapter thirty-five of the resolves of the present year, the sum of six hundred eighty-six dollars and forty-two cents.

Signal corps.

For George Nelson, as authorized by chapter thirty-six of the resolves of the present year, the sum of forty-nine dollars.

George Nelson.

The appropriation authorized by chapter six hundred and thirty-two of the acts of the year nineteen hundred and eight, which provides for enlarging the channel at Wollaston beach in the city of Quincy, may be used to carry out the provisions of chapter thirty-seven of the resolves of the present year.

Wollaston beach.

To provide for new boilers at the state house, as authorized by chapter thirty-nine of the resolves of the present year, a sum not exceeding twelve thousand dollars.

New boilers at state house.

For the widow and children of Cornelius Coughlin, as authorized by chapter forty of the resolves of the present year, the sum of one thousand dollars, to be paid out of the appropriation for the payment of claims arising from the death of firemen killed or injured in the discharge of their duties, as provided for by chapter six of the acts of the present year.

Widow and children of Cornelius Coughlin.

For printing and binding the annual report of the state board of charity, the sum of ninety dollars and seventy-two cents, the same to be in addition to any amount heretofore appropriated for this purpose.

Report of state board of charity.

For Charles F. Pidgin, as authorized by chapter forty-three of the resolves of the present year, the sum of one thousand dollars.

Charles F. Pidgin.

The appropriation made by chapter fifty-six of the acts of the present year for the purchase of land by the state forester for reforestation, as provided for by chapter four

Reforestation.

hundred and seventy-eight of the acts of the year nineteen hundred and eight, is hereby made applicable for the general purposes of said act.

**Rifle practice.**

For expenses in connection with the rifle practice of the volunteer militia, a sum not exceeding twenty-five thousand five hundred dollars.

**Naval militia.**

For furnishing, repair and care of any United States ship loaned to the commonwealth for the use of the naval militia, a sum not exceeding five thousand dollars.

**Rooms for the press, in the state house.**

For expenses in connection with enlarging and improving the quarters assigned to the members of the press in the state house, as authorized by chapter forty-four of the resolves of the present year, a sum not exceeding seventeen hundred and fifty dollars.

**Edgar S. Darling.**

For compensating Edgar S. Darling for injuries to a horse owned by him and used by the militia, as authorized by chapter forty-five of the resolves of the present year, a sum not exceeding seventy-five dollars.

**Clerical assistance to clerk of supreme judicial court.**

For clerical assistance to the clerk of the supreme judicial court, as authorized by chapter one hundred and sixty-five of the acts of the present year, a sum not exceeding two hundred and fifteen dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

**Certain expenses of the sergeant-at-arms.**

The appropriation authorized by chapter fourteen of the acts of the present year for salaries of the sergeant-at-arms' messengers, porters and office boy may be used to adjust the salaries provided for by chapter one hundred and seventy-four of the acts of the present year.

**Improved farms and farm lands.**

For expenses in connection with collecting and circulating information relating to idle or partly improved farms and farm lands by the state board of agriculture, as authorized by chapter two hundred and twelve of the acts of the present year, a sum not exceeding one thousand dollars.

**Expenses in office of reporter of decisions, supreme judicial court.**

For clerk hire and incidental expenses in the office of the reporter of decisions of the supreme judicial court, as authorized by chapter two hundred and thirty of the acts of the present year, a sum not exceeding three hundred and forty dollars.

**Medical examiners' fees.**

For medical examiners' fees, a sum not exceeding three hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

For incidental and contingent expenses in the office of the secretary of the commonwealth, a sum not exceeding seven hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Incidental expenses in office of secretary of commonwealth.

For rent of telephones and expenses in connection therewith at the state house, a sum not exceeding three hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Telephones, etc.

For salaries of officers and employees under the charge of the state board of insanity, a sum not exceeding seven hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

State board of insanity, salaries of officers, etc.

For special repairs at the Massachusetts reformatory, as authorized by chapter forty-seven of the resolves of the present year, a sum not exceeding ninety-five hundred dollars, to be paid out of the Massachusetts Reformatory Industries Fund.

Massachusetts reformatory.

For repairs and improvements at the prison camp and hospital, as authorized by chapter forty-eight of the resolves of the present year, a sum not exceeding forty-one hundred dollars, to be paid out of the State Prison Industries Fund.

Prison camp and hospital.

For an investigation by the state board of charity, relative to establishing a state hospital for incurables, as authorized by chapter fifty of the resolves of the present year, a sum not exceeding two hundred dollars.

State hospital for incurables.

For printing the report of the commission appointed to investigate the subject of public improvements for the metropolitan district, as authorized by chapter fifty-three of the resolves of the present year, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the expenses of said commission. The cost of printing and distributing said report shall be assessed upon the metropolitan parks district.

Report of commission to investigate the subject of public improvements for the metropolitan district.

The cost of printing five hundred additional copies of the report of the Massachusetts hospital school for the year nineteen hundred and eight, provided for by chapter fifty-four of the resolves of the present year, shall be paid from the appropriation for maintenance of said institution.

Report of Massachusetts hospital school.

For Michael Nagle, as authorized by chapter fifty-six of the resolves of the present year, the sum of forty-five

Michael Nagle.

dollars, to be paid out of the North Metropolitan System Maintenance Fund.

Patrick  
Crowley.

For Patrick Crowley, as authorized by chapter fifty-seven of the resolves of the present year, the sum of one hundred three dollars and fifty cents, to be paid out of the North Metropolitan System Maintenance Fund.

State forester.

For the salary of the state forester, as authorized by chapter two hundred and sixty-three of the acts of the present year, which provides that the governor, with the consent of the council, shall appoint an officer to be known as the state forester and shall determine his salary, a sum not exceeding thirteen hundred dollars, the same to be in addition to the amount appropriated for this purpose by chapter fifty-six of the acts of the present year.

Batteries of  
field artillery.

For an allowance to the three batteries of field artillery of the militia, as provided for by chapter two hundred and ninety-eight of the acts of the present year, a sum not exceeding sixteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved May 20, 1909.*

**Chap. 419** AN ACT TO AUTHORIZE THE INCORPORATION OF CREDIT UNIONS.

*Be it enacted, etc., as follows:*

Term defined.

SECTION 1. In this act the words "credit union" shall mean a co-operative association formed for the purpose of promoting thrift among its members.

Business that  
may be done  
by credit  
unions.

SECTION 2. A credit union may receive the savings of its members in payment for shares or on deposit; may lend to its members at reasonable rates or invest as hereinafter provided, the funds so accumulated; and may undertake such other activities relating to the purpose of the association, as its by-laws may authorize.

Incorporation  
of credit  
unions.

SECTION 3. Seven or more citizens of this commonwealth who have associated themselves by an agreement in writing for the purpose of forming a credit union may, with the consent of the board of bank incorporation, become a corporation upon complying with all the provisions of section three of chapter one hundred and fourteen of the Revised Laws, except those which relate to the limit of capital to be accumulated. The board of bank incorporation is hereby authorized to grant such consent when



it is satisfied that the proposed field of operation is favorable to the success of such credit union, and that the standing of the proposed members is such as to give assurance that its affairs will be administered in accordance with the spirit of this act.

SECTION 4. No person, partnership, association or corporation, except corporations formed under the provisions of this act, shall hereafter transact business under any name or title which contains the two words "credit" and "union." The provisions of section seventeen of chapter five hundred and ninety of the acts of the year nineteen hundred and eight shall apply to, and as prescribed therein proceedings shall be brought against, any person, partnership, association or corporation which violates the provisions of this section.

Certain associations, etc., prohibited from using the words "credit" and "union," etc.

SECTION 5. The provisions of sections one to sixteen, both inclusive, of said chapter five hundred and ninety shall apply to such corporation and its directors, committees and officers, and they shall be subject to the supervision of the bank commissioner in the manner and to the extent set forth in said sections.

Certain provisions to apply to credit unions, etc.

SECTION 6. The by-laws shall prescribe —

By-laws.

- (a) The name of the corporation.
- (b) The purposes for which it is formed.
- (c) The conditions of residence or occupation which qualify persons for membership.
- (d) The par value of the shares of capital stock.
- (e) The conditions on which shares may be paid in, transferred and withdrawn.
- (f) The conditions on which deposits may be received and withdrawn.
- (g) The method of receipting for money paid on account of shares or deposited.
- (h) The number of directors and number of members of the credit committee.
- (i) The duties of the several officers.
- (j) The fines, if any, which shall be charged for failure to meet obligations to the corporation punctually.
- (k) The date of the annual meeting of members.
- (l) The manner in which members shall be notified of meetings.
- (m) The number of members which shall constitute a quorum at meetings.

(n) Such other regulations as may seem necessary.

Deposits not  
to be received  
until by-laws  
have been  
approved, etc.

SECTION 7. No such corporation shall receive deposits or payments on account of shares, or make any loans, until its by-laws have been approved in writing by the bank commissioner, nor shall any amendments to its by-laws become operative until they have so been approved.

Meetings.

SECTION 8. The fiscal year of every such corporation shall end at the close of business on the thirty-first day of October. The annual meeting of the corporation shall be held at such time and place as the by-laws prescribe. Special meetings may be held by order of the directors or the supervisory committee, and the clerk shall give notice of special meetings upon request in writing of ten members. Notice of all meetings of the corporation shall be given in the manner prescribed by the by-laws. No person shall be entitled to vote who has not been a member for more than three months, but this restriction shall not apply during the first twelve months of the existence of the corporation, nor shall any member vote by proxy, or have more than one vote. At the annual meeting the members shall, upon recommendation of the board of directors, declare dividends and fix the amount of the entrance fee. At any meeting, the members may decide upon any question of interest to the corporation; and upon appeal of two members, may reverse decisions of the credit committee or board of directors; and, by a three fourths vote of those present, provided the notice of the meeting shall have specified the question to be considered, may amend the by-laws.

Directors and  
committees,  
election, etc.

SECTION 9. At the annual meeting the members shall elect a board of directors of not less than five members, a credit committee of not less than three members, and a supervisory committee of three members. No member of said board shall be a member of either one of said committees nor shall one person be a member of more than one of said committees, and all members thereof, as well as all officers whom they may elect, shall be sworn and shall hold their several offices until others are elected and qualified in their stead; and a record of every such qualification shall be filed and preserved with the records of the corporation.

Officers of  
corporation,  
election, etc.

SECTION 10. At their first meeting the board of directors shall elect from their number a president, a vice-president, a clerk and a treasurer who shall be the execu-

tive officers of the corporation. The board of directors shall have the general management of the affairs, funds and records of the corporation, and shall meet as often as may be necessary. It shall be their special duty, —

Duties  
of board of  
directors.

(a) To act upon all applications for membership.

(b) To act upon the expulsion of members.

(c) To fix the amount of surety bond which shall be required of each officer having custody of the funds.

(d) To determine the rate of interest which shall be allowed on deposits.

(e) To fill vacancies in the board of directors or in the credit committee of the corporation until the election and qualification of officers to fill said vacancies.

(f) To make recommendations to meetings of the members relative to the amount of entrance fee; the maximum number of shares which may be held by, and the maximum amount which may be lent to, any one member; the dividend to be declared; amendments to the by-laws; and any other matters which, in their opinion, the members should decide.

SECTION 11. The credit committee shall approve every loan or advance made by the corporation. Every application for a loan shall be made in writing and shall state the purpose for which the loan is desired and the security offered. No loan shall be made unless the credit committee is satisfied that it promises to benefit the borrower, nor unless it has received the unanimous approval of those members of said committee who were present when it was considered, nor if any member of said committee shall disapprove thereof; but the applicant for a loan may appeal from the decision of the credit committee to the board of directors.

Duties of credit  
committee.

SECTION 12. The supervisory committee shall inspect the securities, cash and accounts of the corporation and supervise the acts of its board of directors, credit committee and officers. At any time the supervisory committee, by a unanimous vote, may suspend the credit committee or any officer elected by the board of directors, and by a majority vote may call a meeting of the shareholders to consider any violation of this act or of the by-laws, or any practice of the corporation which, in the opinion of said committee, is unsafe or unauthorized. Within seven days after the suspension of the credit com-

Duties of  
supervisory  
committee.

mittee the supervisory committee shall cause notice to be given of a special meeting of the members to take such action relative to such suspension as may seem necessary. The supervisory committee shall fill vacancies in their own number until the next annual meeting.

Capital stock.

SECTION 13. The capital of the corporation shall be unlimited in amount. Shares of capital stock may be subscribed for and paid in in such manner as the by-laws shall prescribe.

Issue of shares, etc.

SECTION 14. Shares may be issued and deposits received in the name of a minor, and such shares and deposits may, in the discretion of the directors, be withdrawn by such minor or by his parent or guardian, and in either case payments made on such withdrawals shall be valid. If shares are held or deposits made in trust the name and residence of the beneficiary shall be disclosed and the account shall be kept in the name of such holder as trustee for such person. If no other notice of the existence and terms of such trust has been given in writing to the corporation, such shares or deposits may, upon the death of the trustee, be withdrawn by the person for whom the amount of such shares was paid in or for whom such deposit was made, or by his legal representative.

Disposition of funds.

SECTION 15. The capital, deposits and surplus funds of the corporation shall be either lent to the members for such purposes and upon such security and terms as the credit committee shall approve, or deposited to the credit of the corporation in savings banks or trust companies incorporated under the laws of this commonwealth, or in national banks located therein.

Payment of loans.

SECTION 16. A borrower may repay the whole or any part of his loan on any day on which the office of the corporation is open for the transaction of business. For failure to pay the interest or any instalment required by the terms of the loan, the borrower may be fined if the by-laws so prescribe.

Certain officers not to receive compensation.

SECTION 17. No member of the board of directors or of the credit or supervisory committee shall receive any compensation for his services as a member of said board or committees, nor shall any member of the credit or supervisory committee, either directly or indirectly borrow from, or become surety for any loan or advance made by the corporation. But the officers elected by the board of

directors may receive such compensation as said board shall authorize

SECTION 18. The board of directors may expel from the corporation any member who has not carried out his engagements with the corporation, or has been convicted of a criminal offence, or neglects or refuses to comply with the provisions of this act or of the by-laws, or whose private life is a source of scandal, or who habitually neglects to pay his debts, or shall become insolvent or bankrupt, or shall have deceived the corporation with regard to the use of borrowed money; but no member shall so be expelled until he has been informed in writing of the charges against him, and an opportunity has been given to him, after reasonable notice, to be heard thereon.

Expulsion of members.

SECTION 19. The amounts paid in on shares or deposited by members who have withdrawn or have been expelled shall be paid to them, but in the order of withdrawal or expulsion and only as funds therefor become available and after deducting any amounts due by said members to the corporation; but such expulsion shall not operate to relieve a member from any remaining liability to the corporation.

Disposition of funds deposited by expelled members, etc.

SECTION 20. Immediately before a meeting of the directors called to recommend the declaration of a dividend, the supervisory committee shall make a thorough audit of the receipts, disbursements, income, assets and liabilities of the corporation for the fiscal year, and shall make a full report thereon to the directors. Said report shall be read at the annual meeting and shall be filed and preserved with the records of the corporation.

Receipts, etc., to be audited.

SECTION 21. At the annual meeting a dividend may be declared from income which has been actually collected during the fiscal year next preceding, or during the months which have elapsed since the corporation began business, and which remains after the deduction of all expenses, losses, interest on deposits, and the amount required to be set apart as a guaranty fund. Such dividend shall be paid on all fully paid shares outstanding at the close of the fiscal year, but shares which become fully paid during the year shall be entitled only to a proportional part of said dividend, calculated from the first day of the month following such payment in full. Dividends due to a member shall be paid to him in cash or credited to the account of partly paid shares for which he has subscribed.

Dividends.



Guaranty  
fund.

SECTION 22. Immediately before the payment of each dividend, there shall be set apart as a guaranty fund twenty per cent of the net income which has accumulated during the fiscal year. Said fund and the investments thereof shall belong to the corporation and shall be held to meet contingencies or losses in its business. All entrance fees shall be added at once to the guaranty fund. But upon recommendation of the board of directors the members at an annual meeting may increase, and whenever said fund equals or exceeds the amount of capital stock actually paid in, may decrease, the proportion of profits which is required by this section to be set apart as a guaranty fund.

Dissolution  
of corporation,  
etc.

SECTION 23. At any meeting specially called to consider the subject, the members, upon the unanimous recommendation of the board of directors, may vote to dissolve the corporation, provided at least two thirds of the members are present at such meeting, and provided not more than ten members, either in person or by written notice, object thereto. A committee of three shall thereupon be elected to liquidate the assets of the corporation, and each share of the capital stock, according to the amount paid in thereon, shall be entitled to its proportion of the proceeds after all deposits and debts of the corporation have been paid.

Annual report.

SECTION 24. Within twenty days after the last business day of October in each year, every such corporation shall make to the bank commissioner a report in such form as he may prescribe, signed by the president, treasurer and a majority of the supervisory committee, who shall certify and make oath that the report is correct according to their best knowledge and belief. Any such corporation which neglects to make the said report within the time herein prescribed shall forfeit to the commonwealth five dollars for each day during which such neglect continues.

Provisions  
of law which  
apply to credit  
unions.

SECTION 25. The provisions of section twenty-three of chapter fourteen of the Revised Laws, and the provisions of chapter six hundred and five of the acts of the year nineteen hundred and eight shall apply, and the provisions of section one of chapter one hundred and fourteen of the Revised Laws shall not apply to credit unions incorporated under the provisions of this act.

*Approved May 21, 1909.*

AN ACT RELATIVE TO THE PERFORMANCE OF WORK ON THE LORD'S DAY. *Chap.420*

*Be it enacted, etc., as follows:*

SECTION 1. The police commissioner of the city of Boston, or any member of the police department having a rank not lower than that of captain and designated by said commissioner, or the chief of police of any other city or of any town, upon such terms and conditions as he deems reasonable may issue a permit for the performance on the Lord's day of necessary work or labor which, in his judgment, could not be performed on any other day without serious suffering, loss, damage, or public inconvenience. Such permit shall cover not more than one day and shall be issued not more than six days prior to the day for which it is issued.

Certain work may be performed on the Lord's day.

SECTION 2. The provisions of section two of chapter ninety-eight of the Revised Laws shall not apply to any person working under, and complying with, the provisions of a permit granted as aforesaid.

Certain provisions of law not to apply.

SECTION 3. This act shall take effect upon its passage.

*Approved May 21, 1909.*

AN ACT TO PROVIDE FOR THE PROTECTION OF WILD FOWL. *Chap.421*

*Be it enacted, etc., as follows:*

SECTION 1. It shall be unlawful to kill a swan at any time or to pursue, hunt, take or kill any other of the Anatidae, commonly known as wild geese, brant, ducks and teal between the thirty-first day of December and the fifteenth day of September following, or to buy, sell, offer for sale, or have in possession any swan or any other of the Anatidae, or any part of any one of said birds during the time when the taking or killing of them is prohibited by law, whenever or wherever said birds may be taken or killed: *provided, however*, that any person, firm or corporation holding a written permit from the commissioners on fisheries and game may buy, sell, or have in possession any species of the Anatidae for purposes of propagation only; and *provided, further*, that nothing in this act shall prevent the taking or possession of any of said birds by incorporated natural history associations and museums, or

Hunting, etc., of certain birds regulated.

Provisos.

holders of certificates legally authorizing the collection of specimens for scientific purposes, or continued possession of such birds or parts thereof for scientific purposes by such museums, associations or holders of such certificates, and *provided, further*, that a person, firm or corporation dealing in game or engaged in the cold storage business may have in possession for storage any species of duck or goose, between the first day of January and the fifteenth day of September following, if such birds were not taken or killed in this commonwealth contrary to the provisions of this act, or were not taken, killed, or transported contrary to the law of the state or country in which such birds were taken or killed, and *provided, also*, that such persons, firms or corporations shall have notified in writing the commissioners on fisheries and game on or before January first of the species, number of each species, and place of storage of such birds, and that such birds are in places and packages convenient for sealing. The commissioners or their deputies shall then place a seal upon all receptacles and packages containing any species of wild duck or goose. The said seal shall not be removed by any person other than the commissioners on fisheries and game or their deputies, under a penalty of twenty dollars for each bird, and shall be removed by the said commissioners or their deputies upon the fifteenth day of September of each year. The packages or contents thereof so sealed shall not be removed from the storage warehouse until the seal has been removed as above provided, under a penalty of twenty dollars for each bird.

Provisos.

Sealing of receptacles.

Penalty for removal.

Commissioners on fisheries and game may grant certain permits.

SECTION 2. Any resident of the commonwealth may apply to the commissioners on fisheries and game for a permit to bring into the commonwealth any of the above named species of birds, during the close season above provided, to a number not exceeding fifty birds in any one year, and the said commissioners may grant such permits upon such conditions and for such terms as they may deem expedient, and they may suspend or revoke a permit so granted.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith, excepting chapter two hundred and seventy-four of the acts of the year nineteen hundred and six, which establishes a close season on the wood duck until the year nineteen hundred and eleven, are hereby repealed.

SECTION 4. Whoever violates any provision of this act shall be punished by a fine of not less than twenty dollars for each offence. Penalty.  
*Approved May 21, 1909.*

AN ACT TO AUTHORIZE THE GOVERNOR TO PROCLAIM A CLOSE SEASON FOR GAME IN TIMES OF DROUTH. Chap.422

*Be it enacted, etc., as follows:*

SECTION 1. Whenever, during an open season for the hunting of any kind of game in this state, it shall appear to the governor that by reason of extreme drouth the use of firearms in the forest is liable to cause forest fires, he may, by proclamation, suspend the open season and make it a close season for the shooting of birds and wild animals of every kind for such time as he may designate, and may prohibit the discharge of firearms in or near forest land during the said time. Close season for game may be proclaimed in times of drouth.

SECTION 2. During the time designated as above by the governor, all provisions of law relating to the close season shall be in force, and whoever violates any such provision shall be subject to the penalties prescribed therefor. In case any person shall, during a close season proclaimed as aforesaid, discharge a firearm in or near forest land, or shoot any wild animal or bird, as to which there is no close season otherwise provided by law, he shall be subject to a fine of not more than one hundred dollars. Penalty for violation.

SECTION 3. A proclamation issued under authority hereof shall be published in such newspapers of the state and posted in such places and in such manner as the governor may direct, under the charge and direction of the state forester and the commissioners on fisheries and game. Proclamation to be published, etc.

*Approved May 21, 1909.*

AN ACT RELATIVE TO THE SALE OF ICE CREAM, CONFECTIONERY, SODA WATER AND FRUIT ON THE LORD'S DAY. Chap.423

*Be it enacted, etc., as follows:*

SECTION 1. The licensing board or officer in any city or town, and if there is no such board, the mayor and aldermen of a city, or the mayor and city council, in case there are no aldermen, and the selectmen of towns, may grant licenses to reputable persons who on secular days are Sale of certain articles on the Lord's day regulated.

retail dealers of ice cream, confectionery, soda water and fruit, to keep open their places of business on the Lord's day for the sale of ice cream, confectionery, soda water and fruit.

Provisions of  
licenses.

SECTION 2. Licenses granted as aforesaid shall specify the street or place and the number, if there be any, and if there is no number, then the location of the place of business in which the license is to be exercised, and the license shall not be valid in any other place. The licenses shall take effect on the first day of May in each year, but may be granted prior to that time, and they shall expire on the thirtieth day of April of each year. The fee shall not be more than five dollars a year, and the license may be suspended or revoked at any time by the officer or board granting the same.

Not to be  
granted to  
certain per-  
sons.

SECTION 3. The license herein provided for shall not be granted to any person who holds a license for the sale of intoxicating liquors.

Penalty.

SECTION 4. Whoever, not being licensed as aforesaid, keeps open his place of business on the Lord's day for the sale of the above mentioned articles, or any one thereof, shall be punished by a fine of not more than fifty dollars.

Not to apply to  
druggists, etc.

SECTION 5. The provisions of this act shall not be held to apply to druggists and apothecaries, or to amend or affect section three of chapter ninety-eight of the Revised Laws, as amended by chapter four hundred and fourteen of the acts of the year nineteen hundred and two, and by chapters one hundred and twenty-six, two hundred and seventy-three, three hundred and thirty-three, three hundred and forty-three, three hundred and fifty-four and five hundred and thirty-seven of the acts of the year nineteen hundred and eight; but all other acts or parts of acts inconsistent herewith are hereby repealed.

Repeal.

When to take  
effect.

SECTION 6. This act shall take effect in the city of Boston upon its passage. In all other cities it shall take effect upon its acceptance by the city council, and in towns it shall take effect upon its acceptance by the voters of the town at an annual town meeting. For the purpose of submitting this act to cities other than the city of Boston, and to towns, it shall take effect upon its passage.

*Approved May 21, 1909.*



AN ACT RELATIVE TO THE SALE OF KINDLING WOOD.

Chap. 424

*Be it enacted, etc., as follows:*

SECTION 1. Section eighty-seven of chapter fifty-seven of the Revised Laws, as amended by section two of chapter two hundred and five of the acts of the year nineteen hundred and eight, is hereby further amended by inserting after the word "charcoal", in the eighth line, the words: — or unpacked kindling wood not exceeding six inches in length, — and by adding at the end of the said section, the words: — and kindling wood may be sold in bundles not less than twenty-seven inches in circumference: *provided*, that the wood shall be cut not less than two and one quarter inches long, — so as to read as follows: — *Section 87.* Baskets used in selling coke or charcoal by measure shall be of the capacity of two bushels, of one bushel, or of one half bushel, Massachusetts standard dry measure. They shall be sealed, and their capacity plainly marked thereon by a sealer of weights and measures of the city or town in which the person using them resides or does business, and shall be filled level full. Bags of coke or charcoal, or unpacked kindling wood not exceeding six inches in length sold or offered for sale by measure shall contain, and shall be sold as containing, one half bushel, dry measure, standard aforesaid, of said goods, and shall be plainly marked with the name of the person who puts up the same, and the words in capital letters, each at least one inch in height, — "ONE HALF BUSHEL," — and kindling wood may be sold in bundles not less than twenty-seven inches in circumference: *provided*, that the wood shall be cut not less than two and one quarter inches long.

R. L. 57, § 87,  
etc., amended.

Baskets and  
bags, capacity,  
etc.

Proviso.

SECTION 2. The commissioner of weights and measures of the commonwealth and the sealers of weights and measures in cities and towns shall cause the provisions of the preceding section to be enforced, and whoever violates any provision of this act shall be punished by a fine not exceeding fifty dollars for each offence.

Enforcement  
of provisions.

*Approved May 21, 1909.*

*Chap.*425 AN ACT TO PROVIDE FURTHER FOR THE PROTECTION OF DAIRYMEN.

*Be it enacted, etc., as follows:*

1901, 202, § 4,  
amended.

Tests for  
certain pur-  
poses not to be  
manipulated  
without cer-  
tificate, etc.

Fee for issuing  
certificate, etc.

Second inspec-  
tion may be  
ordered.

SECTION 1. Chapter two hundred and two of the acts of the year nineteen hundred and one is hereby amended by striking out section four and inserting in place thereof the following:— *Section 4.* No person shall, either by himself or in the employ of any other person, firm or corporation, manipulate the Babcock test, or any other test, whether mechanical or chemical, for the purpose of measuring the butter fat contained in milk or cream as a basis for determining the value of such milk or cream, or of butter or cheese made from the same, without first obtaining a certificate from the director of the Massachusetts agricultural experiment station that he or she is competent to perform such work. Rules governing applications for such certificates and the granting of the same shall be established by the said director. The fee for issuing the said certificate shall in no case exceed two dollars, shall be paid by the applicant to the said director, and shall be used in meeting the expenses incurred under this act. If the duly authorized inspector finds an operator who, after receiving his certificate of competency, is not, in the judgment of the inspector, correctly manipulating the Babcock or other test used as a basis for determining the value of milk and cream, or who is using dirty, untested or otherwise unsatisfactory glassware, he shall immediately report the case in writing to the director of the station. The director shall at once notify said operator in writing and give him not less than thirty days to make the necessary improvements. At the expiration of that time the director may order a second inspection, the cost of which shall be borne by the operator or by the person, firm or corporation employing him, and if the required improvement has not been made, the director is empowered to notify in writing said operator, or the person, firm or corporation employing him, that his certificate of competency is revoked. In case of any subsequent violation the said director may revoke the certificate of competency without giving the notice aforesaid.

SECTION 2. This act shall take effect upon its passage.

*Approved May 21, 1909.*

AN ACT TO AUTHORIZE THE TOWN OF HOLBROOK TO MAKE *Chap.426*  
AN ADDITIONAL WATER LOAN.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Holbrook, for the purposes mentioned in chapter two hundred and seventeen of the acts of the year eighteen hundred and eighty-five, may issue from time to time bonds, notes or scrip to an amount not exceeding four thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for water supply purposes. Such bonds, notes or scrip shall bear on their face the words, Town of Holbrook Additional Water Loan, Act of 1909, and shall be issued upon the same terms and conditions and with the powers specified in said chapter two hundred and seventeen: *provided*, that the amount of bonds, notes or scrip issued under authority of this act and heretofore issued by said town for the same purposes shall not exceed in the aggregate one hundred and forty-four thousand dollars.

Town of  
Holbrook  
Additional  
Water Loan,  
Act of 1909.

Proviso.

SECTION 2. Said town shall, at the time of authorizing said loan, provide for the payment thereof in annual payments of one thousand dollars each, beginning in the year nineteen hundred and twenty-six; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the assessors of said town in each year thereafter in a manner similar to that in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished.

Payment of  
loan.

SECTION 3. This act shall take effect upon its passage.

*Approved May 21, 1909.*

AN ACT TO AUTHORIZE THE TOWN OF METHUEN TO MAKE *Chap.427*  
AN ADDITIONAL WATER LOAN.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Methuen, for the purpose of extending and improving its system of water supply, may

Town  
of Methuen  
Additional

Water Loan,  
Act of 1909.

issue from time to time bonds, notes or scrip to an amount not exceeding fifteen thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for water supply purposes. Such bonds, notes or scrip shall bear on their face the words, Town of Methuen Additional Water Loan, Act of 1909; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest payable semi-annually at a rate not exceeding four and one half per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners. The town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold for less than their par value.

Proviso.

Payment of  
loan.

SECTION 2. The town shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments, beginning not more than three years after the first issue of any of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the assessors of the town in each year thereafter, in a manner similar to that in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished.

SECTION 3. This act shall take effect upon its passage.

*Approved May 21, 1909.*

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**Chap. 428** AN ACT TO ENCOURAGE AND IMPROVE THE BREEDING OF POULTRY.

*Be it enacted, etc., as follows:*

Poultry  
Premium  
Bounty, dis-  
tribution, etc.

SECTION 1. The sum of one thousand dollars shall be paid annually in the month of August from the treasury of the commonwealth to the board of agriculture, which

shall be known as a Poultry Premium Bounty, and shall be used by said board to encourage and improve the breeding of poultry. Said bounty shall be distributed by said board among the poultry associations hereinafter designated, during the month of September of each year, on the basis of the total entry fees received by such associations, respectively, during the year preceding that time, as hereinafter provided, and the sum so distributed shall be used by such associations for the purpose of enabling them to hold annual exhibitions of poultry and for the payment of premiums only. The board may make such rules as it may deem suitable for carrying out the provisions of this act; and any part of said bounty not distributed by the board in any year shall be repaid by it to the treasurer and receiver general.

SECTION 2. No association shall be entitled to any part of said bounty unless it shall have been incorporated under the laws of the commonwealth for the purposes, principally, of holding exhibitions of poultry within the commonwealth.

Association not to receive bounty unless, etc.

SECTION 3. No association shall be entitled to any part of said bounty unless it shall certify to the board of agriculture, not later than the first day of July, under the oath of the president and secretary of such association, that it has held an exhibition of poultry during the months of November, December or January preceding said certificate, the amount of entry fees paid to the association for such exhibition, and that the association is in need of aid to enable it to continue its exhibitions of poultry, together with such other facts as the board may request.

Association to furnish proof of holding of exhibition, etc.

SECTION 4. This act shall take effect upon its passage.

*Approved May 21, 1909.*

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AN ACT RELATIVE TO PROCEEDINGS FOR THE ABOLITION OF GRADE CROSSINGS.

*Chap. 429*

*Be it enacted, etc., as follows:*

SECTION 1. Section two of chapter three hundred and seventy-two of the acts of the year nineteen hundred and eight is hereby amended by inserting after the word "filed", in the fifth line, the words:—and recorded,—so as to read as follows:—*Section 2.* Reports of commissioners appointed under the provisions of section

1908, 372, § 2, amended.

Reports of certain commissioners to



be filed  
without fee.

twenty-nine of Part I of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, to abolish grade crossings, and decrees of court affirming the same, may be filed and recorded in the registries of deeds for the several counties without the payment of any fee therefor.

SECTION 2. This act shall take effect upon its passage.  
*Approved May 21, 1909.*

**Chap.430** AN ACT TO ESTABLISH THE SALARY OF THE FIRST CLERK  
IN THE DEPARTMENT OF THE TAX COMMISSIONER.

*Be it enacted, etc., as follows:*

First clerk in  
office of tax  
commissioner,  
salary  
established.

SECTION 1. Beginning with the present fiscal year, the first clerk in the office of the tax commissioner, as provided for by section two of chapter fourteen of the Revised Laws, as amended by section two of chapter five hundred and sixty-four of the acts of the year nineteen hundred and seven, shall receive an annual salary of twenty-two hundred dollars.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.  
*Approved May 21, 1909.*

**Chap.431** AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT  
REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY  
OF WORCESTER.

*Be it enacted, etc., as follows:*

Assistant regis-  
ter of probate  
and insolvency,  
Worcester  
county, salary  
established.

SECTION 1. The salary of the assistant register of probate and insolvency for the county of Worcester shall be fifteen hundred dollars a year, to be so allowed from the first day of February in the current year.

Repeal.

SECTION 2. So much of any act as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.  
*Approved May 21, 1909.*

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ADDITIONAL FIRE INSPECTOR FOR THE DETECTIVE DEPARTMENT OF THE DISTRICT POLICE.

*Chap.432*

*Be it enacted, etc., as follows:*

SECTION 1. The governor is hereby authorized to appoint one additional member of the district police, who shall be employed as a fire inspector in the detective department. His term of office, salary, powers and duties shall be the same as those provided by law for the district police. The said appointment may be made without giving to veterans the preference required by sections twenty-one and twenty-two of chapter nineteen of the Revised Laws.

Additional member of the district police, appointment, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved May 21, 1909.*

AN ACT TO PROVIDE FOR THE PROPER MAINTENANCE AND ENLARGEMENT OF WORKS FOR THE TREATMENT OR PURIFICATION OF SEWAGE.

*Chap.433*

*Be it enacted, etc., as follows:*

SECTION 1. Cities, towns, persons, firms or corporations, owning or operating filter beds or other works for the treatment or purification of sewage shall provide and maintain works adequate for the treatment of the sewage at all times, and shall operate such works in such manner as will prevent a nuisance therefrom or the discharge or escape of unpurified or imperfectly purified sewage or effluent into any stream, pond or other water, or other objectionable result.

Adequate works to be provided by cities and towns, etc., for the treatment of sewage.

SECTION 2. The board of sewer commissioners or other board or officer having charge of the sewers in cities and towns shall have authority to make such regulations regarding the use of the sewers as are necessary to prevent the entrance or discharge therein of any substance which may tend to interfere with the flow of sewage or the proper operation of the sewerage system or disposal works.

Regulations, etc.

SECTION 3. The state board of health, if convinced, upon examination, that a filter bed or other works for the treatment or purification of sewage causes the pollution of a stream, pond or other water, or is likely to become a

Board of health may prohibit the entrance of waste, etc., into a sewer system.

source of nuisance or create objectionable results in its neighborhood by reason of defective construction, inadequate capacity or negligence or inefficiency in maintenance or operation or from other cause, may issue notice in writing to the city, town or person owning or operating such works requiring such enlargement or improvement in the works or change in the method of operation thereof as may be necessary for the proper maintenance and operation of the works and the efficient purification and disposal of the sewage. In case the state board of health is satisfied after investigation that the unsatisfactory operation of a sewage disposal system is due wholly or partly to the discharge into the system of manufacturing waste or other substance of such character as to interfere with the efficient operation of said works, said board may if necessary prohibit the entrance of such waste or other material or may regulate the entrance thereof into the system, or may require the treatment of such waste or other material in such manner as may be necessary to prevent its interference with the operation of the works.

Enforcement  
of provisions.

SECTION 4. The supreme judicial court, or the superior court, shall have jurisdiction in equity to enforce the provisions of this act upon petition of the state board of health or of any party interested.

SECTION 5. This act shall take effect upon its passage.

*Approved May 21, 1909.*

**Chap. 434** AN ACT TO PROVIDE FOR ADDITIONAL CLERICAL ASSISTANCE IN THE OFFICE OF THE CLERK OF THE MUNICIPAL COURT OF THE CITY OF BOSTON FOR CIVIL BUSINESS.

*Be it enacted, etc., as follows:*

Clerical  
assistance to  
clerk of mu-  
nicipal court of  
city of Boston  
for civil busi-  
ness.

SECTION 1. The clerk of the municipal court of the city of Boston, for civil business, shall, with the approval of the justices of said court or of the majority of them, be paid annually by the county of Suffolk fifteen hundred dollars for clerical assistance, in addition to the amount now paid to him by the county for such assistance.

SECTION 2. This act shall take effect upon its passage.

*Approved May 21, 1909.*

AN ACT TO AUTHORIZE THE BOSTON AND MAINE RAILROAD *Chap. 435*  
AND ITS EMPLOYEES TO ESTABLISH A CO-OPERATIVE  
PENSION SYSTEM.

*Be it enacted, etc., as follows:*

SECTION 1. In this act, unless the context otherwise requires:— Certain words and terms defined.

(a) The word "railroad" means the Boston and Maine Railroad, its successors and assigns.

(b) The word "directors" means the board of directors of the Boston and Maine Railroad.

(c) The word "association" means the pension association.

(d) The word "trustees" means the board of trustees of the pension system.

(e) The words "pension system" mean the machinery established by this act for the payment of pensions and annuities.

(f) The word "employees" means regular employees and salaried officers.

(g) The word "wages" means salary or wages.

(h) The word "annuities" means the payments for life derived from the money deposited by the employees.

(i) The word "pensions" means the payments for life derived from the money contributed by the railroad.

(j) The words "regular interest" mean interest at three per cent per annum compounded semi-annually on the last days of June and December and reckoned for full three and six months periods only.

SECTION 2. The railroad may, in conjunction with its employees, establish a system for the payment of pensions to its employees as hereinafter set forth, to be known as the Boston and Maine Pension System. This pension system shall be established if and whenever votes to establish the same are duly passed, — Boston and Maine Pension System established.

(1) By the directors; and

(2) By a vote of two thirds of the employees voting thereon; the vote to be taken in a manner to be determined by the president of the railroad.

A copy of the vote of the directors certified to by the clerk of the directors and a copy of the vote of the employees sworn to by the president or a vice president of Copy of vote to be filed with insurance commissioner, etc.

the railroad, shall, within thirty days respectively after such vote, be filed in the office of the insurance commissioner, who shall, forthwith, issue a certificate that the pension system is established, to become operative on the first day of January or the first day of July, following the expiration of three months after the date of such certificate.

#### THE PENSION ASSOCIATION.

Organization.

SECTION 3. A pension association shall be organized as follows:—

(1) All employees of the railroad on the date when this pension system is declared established by the issue of the certificate above provided for, may become members of the association.

Upon the expiration of three months from said date every employee shall be considered to have elected to become, and shall hereby become, a member, unless he shall have voted against the acceptance of this act, and also shall have, within that period, sent notice in writing to the president of the railroad that he does not wish to join the association.

(2) All employees who enter the service of the railroad after the date when the system is declared established shall become thereby members of the association.

(3) Temporary and joint employees may be excluded from membership under the rules adopted by the trustees.

(4) Any member reaching the voluntary age limit specified in section four, (8), may retire or be retired by the railroad from its employ; any member reaching the compulsory age limit must so retire unless the directors and trustees shall decide otherwise.

#### THE BOARD OF TRUSTEES.

Trustees,  
appointment,  
terms, etc.

SECTION 4. (1) The management of the pension system and the care and investment of its fund are hereby vested in a board of seven trustees, three of whom shall be appointed by the directors, three elected by the pension association in a manner to be determined at the first election by the president of the railroad, and the seventh chosen by the other six members. The three trustees who represent the pension association shall, after the first election, be elected in a manner to be determined by the



trustees. The three trustees originally appointed by the directors shall serve, one for three years, one for four years and one for five years; the three trustees elected by the association shall likewise serve one for three years, one for four years and one for five years. Thenceforth the term of office of the three trustees appointed by the directors and the three trustees elected by the association, shall be three years. The term of office of the seventh trustee shall be one year. Each trustee shall hold office until his successor is chosen and qualifies. On a vacancy occurring in said board of trustees whatever the cause, or on the expiration of the term of office of a trustee, the successor to the person whose place has become vacant, or whose term has expired, shall be selected in the same manner as was his predecessor.

Vacancy.

(2) The three trustees chosen by the directors and the three trustees elected by the association shall serve without compensation; but they shall be reimbursed out of the fund for any expense or loss of wages they may have incurred on account of their work as trustees. The seventh trustee may receive such compensation as the other six may determine.

Compensation.

(3) Said trustees shall have charge and control of the funds of the pension system, and shall invest and reinvest the same, and may from time to time sell any securities held by them and invest and reinvest the proceeds thereof, and any and all unappropriated income of said funds: *provided, however*, that all funds received by the trustees not required for current disbursements shall be invested in the same classes of securities and in the same manner as the capital of a domestic insurance company, other than life, is, or may hereafter be required to be invested by the laws of Massachusetts. They may, whenever they sell such securities, deliver the same upon receiving the proceeds thereof, and may execute any and all documents necessary to transfer the title thereto.

Investment of funds, etc.

Proviso.

(4) The trustees shall have power to make by-laws and regulations not inconsistent with the provisions of this act, and to employ such clerical or other assistance as may be necessary for the fulfillment of its purposes.

By-laws, etc.

(5) The trustees shall, subject to the joint approval of the insurance commissioner and the state actuary adopt one or more mortality tables, and one or more tables repre-

Mortality tables.

senting as nearly as may be the rates of withdrawal of employees from the service of the railroad for reasons other than death, and determine what rates of interest shall be used in connection with such tables; and subject to like approval may modify said tables or adopt other tables to represent more accurately the experience of the pension system, or may change said rates of interest, and may determine the application of the changes so made.

Rates of interest may be changed.

(6) The trustees may, from time to time, change the rate of regular interest and determine the application of such changes.

Words "continuous service" to be defined.

(7) The trustees, subject to the approval of the directors, shall define the words "continuous service" for the purposes of this act.

Classification of employees, etc.

(8) The trustees shall, subject to the approval of the directors,—(a) classify the employees and establish for each class voluntary and compulsory age limits; and may from time to time change these age limits; (b) determine what period of continuous service in the several classes mentioned above shall entitle a member to retire and receive an annuity under the provisions of section six, (2), before reaching the voluntary age.

State of financial condition to be filed, etc.

(9) The trustees shall, in September of each year, unless for cause the insurance commissioner shall have granted an extension of time, file in the office of the insurance commissioner, a statement sworn to by at least five of the trustees, which statement shall exhibit the financial condition of the pension system on the thirtieth day of the preceding June, and its financial transactions for the year ending with said day. Such statement shall be in a form approved by the insurance commissioner and the state actuary, and shall show among other things the income, disbursements, assets and liabilities of the pension system, and, separately, its liability on account of the following items:—

#### *A. Deposit Reserve.*

Deposit reserve.

The total of the deposits of the members actually received by the trustees under section five, (2) A, and held subject to withdrawal by such members.

#### *B. Interest Reserve.*

Interest reserve.

Regular interest on such deposits.

*C. Annuity Reserve.*

The net value of the annuities entered upon under section six, (1) and (2), on the basis of the mortality tables and interest rates provided for in this act. Annuity reserve.

*D. Pension Reserve.*

(a) The net value of the pensions not yet entered upon under section six, (2) *C* (a), on the basis of the mortality and withdrawal tables and interest rates provided for in this act. Pension reserve.

(b) The net value of the pensions entered upon under section six, (2) *C* (a), on the basis of the mortality tables and interest rates provided for in this act.

*E. Reserve for Additional Annuities.*

The total of the deposits of the members actually received by the trustees under section five, (3), with such interest as the trustees determine shall have been earned on such deposits. Reserve for additional annuities.

*F. Gifts and Bequests.*

The amounts received as gifts and bequests and held under the terms of such gifts or bequests. Gifts and bequests.

*G. Expense and Contingent Funds.*

(a) The unexpended portion of the amounts received under section five, (1). Expense and contingent funds.

(b) The contingent fund.

*H. Other Liabilities.*

(a) The amount contributed by the railroad under section five, (2) *B* (c), and not distributed. Other liabilities.

(b) All other liabilities.

*I. Surplus.*

The surplus arising from annuity deposits and pension contributions and the sums contributed by the railroad, all as provided for under section five, (2) *B* (b). Surplus.

(10) Five of the trustees shall constitute a quorum, and no act of the trustees shall be valid unless authorized by a vote of at least five members of the board.

#### THE CREATION OF THE PENSION FUND.

Creation of  
pension fund.

SECTION 5. The funds of the pension system shall be raised as follows: —

#### (1) *Expense and Contingent Funds.*

Expense and  
contingent  
funds.

A. Each member on joining the association shall pay an entrance fee of one dollar; and in addition thereto shall, after his first year, pay an annual membership fee of fifty cents.

B. Each month the railroad shall contribute an amount equal to what has been contributed by the members during the preceding month, under paragraph A.

#### (2) *Annuity and Pension Fund.*

Annuity  
and pension  
fund.

A. *Deposits by Members.* — Each member shall deposit in this fund from his wages, as often as the same are payable, such per cent, not exceeding three per cent, of his wages, as the trustees, subject to the approval of the directors shall determine. This rate of payment shall be uniform throughout the membership; and may be increased beyond three per cent of the wages: *provided*, that such increase shall have been accepted by the directors and by a two thirds vote of the members of the association voting thereon.

Proviso.

Contributions  
by the railroad.

B. *Contributions by the Railroad.* — (a) Each month the railroad shall contribute such amount as is necessary to maintain the reserve as of the last day of the preceding month, on the pensions to be paid under section six, (2) C (a).

Amount to be  
contributed by  
the railroad.

(b) Each year, in July, the railroad shall contribute an amount equal to the excess of the surplus arising from annuity deposits over the surplus arising from pension contributions. The said surplus arising from annuity deposits shall be the sum of that portion of the interest reserve released by the withdrawal of members under section six, (2) A, and the interest earned during the year ending June thirtieth, next preceding, on the deposit re-

serve and on the interest reserve, less the amount necessary to maintain, during the said year, the said interest reserve. The said surplus arising from the pension contributions shall be the sum of the gain arising during said year from a mortality or withdrawal experience in excess of that expected and the interest earned on the pension reserve in excess of the amount required to maintain, during said year, the said pension reserve. If for any year the surplus arising from pension contributions shall be found to be in excess of the surplus arising from annuity deposits, such excess shall forthwith be paid over to the railroad.

For the purposes of this paragraph the trustees shall adopt, subject to the approval of the insurance commissioner and the state actuary, an equitable method of determining the excess interest and the gain from mortality and withdrawal mentioned herein.

Equitable method of determining excess interest, etc., to be adopted.

(c) Each month the railroad shall contribute such amount as the trustees determine to be necessary to pay current pensions under section six, (2) *C* (b): *provided, however, that it may contribute in any month instead of the sum so determined by the trustees, a greater or less amount, if, in the opinion of the directors, the interests of the railroad so require; provided, also, that any amount so contributed for any month and not needed for pensions for that month, shall be credited to the contribution of the railroad for the succeeding month.*

Provisos.

(d) Each month the railroad shall also contribute such amount as the trustees determine to be necessary to increase the aggregate annuity and pension payment to be made to each member, as provided for in section six, (2) *B*, six, (2) *C*, and six, (2) *D*, to the minimum payments provided for in section six, (2) *E*.

Increase of annuities, etc., to members.

### (3) *Fund for Additional Annuities.*

Any member may authorize the railroad to make additional deductions from his wages, to provide for additional annuities as provided for in section six, (3).

Fund for additional annuities.

### (4) *Provision for Payments.*

A. All amounts payable by members of the association under paragraphs (1), (2) and (3), of this section, shall be deducted by the railroad from the amounts payable

Provision for payments.



to them as wages, as often as the same are payable, and shall immediately be paid over by it to the trustees.

*B.* All accrued obligations on the part of the railroad, under paragraphs (1) and (2), of this section, shall be preferred claims against the railroad in like manner as claims for unpaid wages are or may be preferred.

#### DISTRIBUTION OF FUNDS.

Distribution  
of funds.

SECTION 6. The trustees shall administer the funds of the pension system in accordance with the following plan: —

##### (1) *Expense and Contingent Funds.*

Expense and  
contingent  
funds.

The funds raised under section five, (1), shall be used so far as is necessary, for the payment of expenses of management. The portions not so used, if any, shall from time to time be carried to a contingent fund, any portion of which may be transferred to any other fund by vote of the trustees.

##### (2) *Annuity and Pension Funds.*

##### *A. Refunds.*

Refunds.

(a) Should a member of the association cease to be an employee of the railroad from any cause other than death before becoming entitled to a pension, there shall be refunded to him all the money which has been paid in by him under section five, (2) *A*, without interest.

(b) Should a member of the association die before becoming entitled to a pension, there shall be paid to his legal representatives all the money which has been paid in by him under section five, (2) *A*, with such interest as the trustees determine shall have been earned on such deposits.

(c) Should a member of the association be forced to retire on account of permanent disability due to accident or disease before becoming entitled to a pension, there shall be paid to him all the money which has been paid in by him under section five, (2) *A*, with such interest as the trustees determine shall have been earned on such deposits.

*B. Annuities derived from Employees' Deposits.*

Any member of the association who completes the service period as determined by the trustees under the provisions of section four, (8) (b), and any member who reaches the voluntary age limit, and then or thereafter retires or is retired shall receive the annuity to which the sum of his deposits under section five, (2) A, with regular interest, shall entitle him, according to the tables adopted by the trustees, in one of the following forms:—

Annuities derived from employees' deposits.

(a) A life annuity payable monthly.

(b) A life annuity payable monthly with the provision that in the event of the death of the annuitant before receiving payments equal to the sum of his deposits under section five, (2) A, with regular interest, at the date of his retirement, the difference shall be paid to his legal representatives.

*C. Pensions derived from Contributions by the Railroad.*

(a) *Pensions based upon Subsequent Service.*

Any member entitled to an annuity under paragraph (2) shall receive in addition thereto a pension for life payable monthly, equivalent to that annuity, to be paid out of the fund contributed by the railroad under the provision of section five, (2) B (a).

Pensions based upon subsequent service.

(b) *Pensions based upon Prior Service.*

Any member of the association who completes the service period as determined by the trustees under the provisions of section four, (8) (b), and any member who reaches the voluntary age limit, and then or thereafter retires or is retired, shall receive in addition to other payments a pension for life payable monthly, equivalent to the annuity to which he would have been entitled had deductions been made from his wages during his years of continuous service immediately prior to the date when this pension system was declared established, at the same rate as shall first have been adopted by the trustees, and had such deductions been accumulated with regular interest: *provided, however*, that, if for any month the railroad pays the greater or less amount provided for in section five, (2) B (c), then the pension payable under this paragraph

Pensions based upon prior service.

Proviso.

shall, for such month, bear the same proportion to the pension as computed above, as the amount paid by the railroad bears to the amount determined by the trustees.

Basis of determining amount of pension.

For the purpose of computing any pension payable under the preceding paragraph, the trustees may estimate on a basis determined by them the wages received in any period for which they deem it to be impracticable to consult the original records.

*D. Annuities and Pensions from Surplus.*

Surplus.

The trustees may from time to time distribute the surplus in annuities and pensions.

*E. Minimum Payments.*

Minimum payments.

If a member entitled to a pension under this act has been in the continuous service of the railroad for a period of twenty years, when he retires his total annuity and pension, exclusive of the additional annuity provided for in section six, (3) *A*, shall be not less than two hundred dollars per year.

(3) *Fund for Additional Annuities.*

Additional annuities.

*A. Additional Annuities.* — Any member of the association entitled to a pension who has made deposits under section five, (3), shall receive, in addition to other payments, an annuity to which the sum of said deposits, with such interest as the trustees determine shall have been earned on said deposits, shall entitle him according to the tables adopted by the trustees.

Refunds.

*B. Refunds.* — Should a member who has made deposits under section five, (3), cease to be an employee of the railroad, whatever the cause, before becoming entitled to a pension, in such case there shall be refunded to him or to his legal representatives all said deposits with such interest as the trustees determine shall have been earned on said deposits.

TAXATION, ATTACHMENTS AND ASSIGNMENTS.

Certain funds exempt from taxation.

SECTION 7. The funds of the pension system, so far as they are invested in personal property, shall be exempt from taxation.

That portion of the wages of a member deducted or to be deducted under this act, the right of a member to an annuity or pension, and all his rights in the funds of the pension system shall be exempt from taxation, and from the operation of any law relating to bankruptcy or insolvency, and shall not be attached or taken upon execution or other process of any court. No assignments of any right in or to said funds shall be valid.

SECTION 8. The insurance commissioner and the state actuary shall at least once in each year, and whenever they consider it expedient, together, either personally or by deputy or assistant, thoroughly inspect and examine the affairs of the pension system to ascertain its financial condition, its ability to fulfill its obligations, whether all parties in interest have complied with the provisions of law applicable to the pension system, and whether the transactions of the trustees have been in accordance with the rights and equities of those in interest.

Affairs of pension system to be inspected.

The pension system shall be credited, in the account of its financial condition, with the amounts due from the railroad under the provisions of section five, (2) *B (a)*, its investments with fixed maturities where there is no default in interest at amortized values, and its other investments at a reasonable valuation.

Amounts due from railroad to be credited, etc.

For the purposes aforesaid, the insurance commissioner and the state actuary or other person making the examination, shall have access to all the securities, books and papers of the pension system, and may summon witnesses and administer oaths, and examine as witnesses the trustees, or any other persons, relative to the financial affairs, transactions and condition of the pension system. The insurance commissioner shall preserve in a permanent form a full record of the proceedings at such examination, and the results thereof. Upon the completion of such examination, verification and valuation the insurance commissioner and the state actuary shall make a joint report in writing of their findings to the trustees, and shall send a copy thereof to the president of the railroad.

Certain officials to have access to books, etc., of the pension system, etc.

The pension system shall not be deemed to be an insurance company under the laws of the commonwealth.

SECTION 9. If the insurance commissioner and the state actuary fail to agree in any matter concerning the pension system as to which their joint approval is provided

Not to be deemed an insurance company. Direction of the insurance commissioner to be conclusive, etc.

for, or as to which action is required to be or should be taken by the trustees or the railroad, the direction of the insurance commissioner, given in writing, shall be final and conclusive; but in such event the insurance commissioner and the state actuary shall each file in the office of the insurance commissioner a statement in writing of the reasons for his opinion, and shall send copies thereof to the trustees, and to the president of the railroad.

Notice of violation of rules to be given to the railroad and to the trustees.

SECTION 10. If, in the judgment of the insurance commissioner, the railroad or the trustees have violated or neglected to comply with any provision of this act, or any rule or regulation established by the trustees hereunder, he shall give notice thereof to the railroad and to the trustees, and thereafter if such violation or neglect continues, shall forthwith present the facts to the attorney-general for his action.

Jurisdiction of courts.

SECTION 11. The supreme judicial court or the superior court shall have jurisdiction in equity upon petition of the insurance commissioner or of any interested person to compel the observance and restrain the violation of this act, and of the rules and regulations established by the trustees hereunder.

SECTION 12. This act shall take effect upon its passage.

*Approved May 24, 1909.*

**Chap. 436** AN ACT RELATIVE TO FREE SCHOLARSHIPS AT THE MASSACHUSETTS AGRICULTURAL COLLEGE AND TO ANNUAL PAYMENTS TO BE MADE TO THE COLLEGE BY THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

Free scholarships at the Massachusetts Agricultural College established.

SECTION 1. One hundred and twenty free scholarships are hereby established at the Massachusetts Agricultural College, to be given by appointment to persons in this commonwealth, after a competitive examination under rules prescribed by the president of the college, at such time and place as the senator then in office from each district shall designate. The said scholarships shall be assigned equally to each senatorial district; but if there shall be less than three successful applicants for scholarships from any senatorial district, such scholarships may be distributed by the president of the college equally among the



other districts, as nearly as possible. No applicant shall be entitled to a scholarship unless he shall pass the examination aforesaid.

SECTION 2. The sums hereinafter mentioned shall be paid annually from the treasury of the commonwealth in equal quarterly instalments, on the first days of December, March, June and September, to the treasurer of the Massachusetts Agricultural College for the purposes specified, to wit:—For providing one hundred and twenty free scholarships, the sum of fifteen thousand dollars; for providing the theoretical and practical education required by the charter of the college and by the laws of the United States relating thereto, the sum of thirty-seven thousand five hundred dollars; for the general maintenance of the college, including heat, light and water, the sum of fifteen thousand dollars; for a graduate school, the sum of twenty-five hundred dollars; for a normal department at said college for the purpose of giving instruction in the elements of agriculture to persons desiring to teach such elements in the public schools of the commonwealth, the sum of five thousand dollars; for short courses in agriculture, a sum not exceeding seventy-five hundred dollars; for a labor fund for the assistance of needy students, the sum of seven thousand five hundred dollars; for maintaining the veterinary laboratory, the sum of one thousand dollars; for maintaining the agricultural experiment station, the sum of ten thousand five hundred dollars; and for the expense of making the analyses and carrying out the regulations relative to commercial feed stuffs, the sum of three thousand dollars.

Appropriations.

SECTION 3. The books and accounts of the college and of the experiment station shall be kept under the direction of the auditor of the commonwealth, who shall audit the expenditures and receipts at least twice a year and as much oftener as in his judgment may be necessary.

Expenditures, etc., to be audited semi-annually, etc.

SECTION 4. Chapter four hundred and sixty of the acts of the year nineteen hundred and eight and all acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 5. This act shall take effect on the first day of December, nineteen hundred and nine.

When to take effect.

*Approved May 24, 1909.*

*Chap. 437* AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO BORROW MONEY FOR THE PROTECTION OF ITS WATER SUPPLY.

*Be it enacted, etc., as follows:*

City of Fall River may take lands, etc., for water supply purposes, etc.

SECTION 1. The city of Fall River, for the purpose of protecting the purity of the waters of North Watuppa pond, its source of water supply, may take, or acquire by purchase or otherwise, and hold, the waters of any pond or stream within the watershed of said North Watuppa pond, and the water rights connected therewith, and may, for the purpose aforesaid, deepen, widen and clear of obstruction any brook, stream or water course within the limits of said city, and may straighten or alter the channels or divert the waters thereof. Said city is further authorized to take, or acquire by purchase or otherwise, and to hold all lands, rights of way and easements necessary for carrying out the purposes of this act. The city may construct on the lands acquired and held under the provisions of this act proper dams, reservoirs, buildings, fixtures, aqueducts, conduits, pipes, drains, sewers, filters or other structures, and may make excavations, procure and operate machinery and provide such other means and appliances and do such other things as may be necessary for carrying out the provisions of this act, and may construct, lay and maintain such aqueducts, pipes, conduits and other works over and under any lands, water courses, railroads, railways and public or other ways, and along such ways in said city in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act, said city may dig up or raise and embank any such lands, highways or other ways, in such manner as to cause the least possible hindrance to public travel on such ways. Said city shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners.

SECTION 2. Said city shall within ninety days after the taking of any lands, rights of way, water, water rights or easements as aforesaid, file and cause to be recorded in the registry of deeds for the Fall River district of the county of Bristol a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the reservoir commission of the city. The title to all land acquired under the provisions of this act shall vest in the city of Fall River, and the lands so acquired shall be managed, improved and controlled for the protection of the water supply of the city.

Description  
of lands to be  
recorded.

SECTION 3. Said city shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water right or easement or by any other thing done by said city under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with the city as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within the period of two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of the said two years.

Damages.

SECTION 4. Said city, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding two hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued for water works purposes. Such bonds, notes or scrip shall bear on their face the words, City of Fall River Water Loan, Act of 1909; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent per annum; and shall be signed by the treasurer of the city and countersigned by the mayor. The city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold for less than their par value.

City of  
Fall River,  
Water Loan,  
Act of 1909.

Proviso.

Payment of  
loan.

SECTION 5. Said city shall, at the time of authorizing said loan, provide for the payment thereof in such annual payments, as nearly equal in amount as practicable, beginning not more than three years after the first issue of any of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of maintaining and operating its water works and the interest as it accrues on the bonds, notes or scrip issued under authority of this act or of any previous act authorizing the issue of bonds, notes or scrip for water supply purposes, and to make the necessary annual payments for the retirement of bonds, notes or scrip issued under authority of this act or of any previous act for water supply purposes, and to meet all sinking fund requirements for said year on account of any such bonds, notes or scrip, shall without further vote be assessed by the assessors of the city in each year thereafter, in a manner similar to that in which other taxes are assessed, until all debts for water supply purposes incurred under authority of this act or previous acts have been extinguished. If in any year the income of the water works shall exceed the sum necessary to pay the interest on said securities and to provide for the requirements of the sinking funds or for the retirement of securities issued for water works purposes, the surplus may be used either for the purchase and retirement of a part of the outstanding indebtedness of the city for water supply purposes, or for the extension and improvement of the water works system, including the protection of the purity of the water, and for no other purpose.

Plans to be  
approved by  
state board of  
health.

SECTION 6. No act shall be done or liability incurred under authority of the preceding sections until the methods of protecting the purity of the waters of North Watuppa pond have been thoroughly investigated, and plans showing in detail all of the work to be done in constructing any of the works authorized by this act and the lands to be acquired by the city for the purpose have been submitted to the state board of health and approved in writing by said board; and the proceeds of the sale of any securities issued under authority of this act shall be used only for the acquirement of lands and the construction

of works which have been approved as herein provided and for the expenses incident thereto.

SECTION 7. This act shall take effect upon its passage.

*Approved May 24, 1909.*

AN ACT TO AUTHORIZE THE BEVERLY GAS AND ELECTRIC COMPANY TO DO BUSINESS IN THE TOWN OF TOPSFIELD.

*Chap.438*

*Be it enacted, etc., as follows:*

SECTION 1. The Beverly Gas and Electric Company, located in Beverly, is hereby authorized, upon the approval of the selectmen of the town of Topsfield and of the board of gas and electric light commissioners, to carry on the business of furnishing electricity for light, heat or power in the town of Topsfield, with all the rights, powers and privileges and subject to all the duties and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

The Beverly Gas and Electric Company may furnish electricity in the town of Topsfield, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved May 24, 1909.*

AN ACT RELATIVE TO THE TAXATION OF POLES FOR WIRES.

*Chap.439*

*Be it enacted, etc., as follows:*

SECTION 1. Section twenty-three of chapter twelve of the Revised Laws, as amended by section one of chapter three hundred and forty-two of the acts of the year nineteen hundred and two, is hereby further amended by inserting after the word "streets", in the second line of the tenth paragraph, the words:— and poles, underground conduits and pipes, together with the wires thereon or therein, laid in or erected upon private property, or in a railroad location,— by inserting after the word "companies", in the third line, the words:— the value of whose poles, underground conduits and pipes, together with the wires thereon or therein, for the purpose of taxation, shall, like their rails and rights of way, be included in, and not deducted from, the value of their corporate franchises ascertained as provided by section one hundred and twenty-six of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, and excepting also such poles, underground conduits, wires and pipes of a railroad corporation laid in the loca-

R. L. 12, § 23, etc., amended.



Taxation of  
underground  
conduits, etc.

tion of said railroad, — and by adding at the end of said paragraph, the words: — or erected, — so that said paragraph will read as follows: — Tenth, Underground conduits, wires and pipes laid in public streets, and poles, underground conduits and pipes, together with the wires thereon or therein, laid in or erected upon private property, or in a railroad location by any corporation, (except street railway companies, the value of whose poles, underground conduits and pipes, together with the wires thereon or therein, for the purpose of taxation, shall, like their rails and rights of way, be included in, and not deducted from, the value of their corporate franchises ascertained as provided by section one hundred and twenty-six of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, and excepting also such poles, underground conduits, wires and pipes of a railroad corporation laid in the location of said railroad) shall be assessed to the owners thereof in the cities or towns in which they are laid or erected.

R. L. 14, § 38,  
etc., amended.

SECTION 2. Section thirty-eight of chapter fourteen of the Revised Laws, as amended by section three of chapter three hundred and forty-two of the acts of the year nineteen hundred and two, is hereby further amended by inserting before the word “underground”, in the seventeenth, thirtieth, thirty-eighth and forty-third lines, the word: — poles, — by striking out the word “is”, in the forty-third line, and inserting in place thereof the word: — are, — and by striking out the words “it is”, in the forty-fourth line, and inserting in place thereof the words: — they are, — so as to read as follows: — *Section 38.* The tax commissioner shall ascertain from the returns or otherwise the true market value of the shares of each corporation subject to the requirements of the preceding section, and shall estimate therefrom the fair cash value of all of said shares constituting its capital stock on the preceding first day of May, which, unless by the charter of a corporation a different method of ascertaining such value is provided, shall, for the purposes of this chapter, be taken as the true value of its corporate franchise. From such value there shall be deducted:

Valuation of  
corporate  
franchise, etc.

Deductions,  
etc.

First, In case of a railroad or telegraph company or of a street railway company whether chartered or organized in this commonwealth or elsewhere, so much of the

value of its capital stock as is proportional to the length of that part of its line, if any, lying without the commonwealth; and also the value of its real estate, machinery and poles, underground conduits, wires and pipes, subject to local taxation within the commonwealth.

Second, In case of such a domestic telephone company, the amount and market value of all stock in other corporations held by it upon which a tax has been paid in this or other states for the twelve months last preceding the date of the return; and in case of such a foreign telephone company, so much of the value of its capital stock as is proportional to the number of telephones used or controlled by it or under any letters patent owned or controlled by it without the commonwealth. In case of a telephone company, whether chartered or organized in this commonwealth or elsewhere, the value of its real estate, machinery and poles, underground conduits, wires and pipes, subject to local taxation within the commonwealth.

Domestic  
telephone  
company.

Third, In case of corporations subject to the requirements of the preceding section other than railroad, telegraph, telephone or street railway companies, whether chartered or organized in this commonwealth or elsewhere, the value as found by the tax commissioner of their real estate, machinery and poles, underground conduits, wires and pipes, subject to local taxation wherever situated.

Other  
corporations.

For the purposes of this section, the tax commissioner may take the value at which such real estate, machinery and poles, underground conduits, wires and pipes are assessed at the place where they are located as the true value, but such local assessment shall not be conclusive of the true value thereof.

Valuation  
of real estate  
etc., to be  
taken.

SECTION 3. Section thirty-nine of said chapter fourteen, as amended by section four of said chapter three hundred and forty-two, is hereby further amended by inserting before the word "underground", in the third line, the word:— poles,— so as to read as follows:— *Section 39.* The tax commissioner may require a corporation to prosecute an appeal from the valuation of its real estate, machinery or poles, underground conduits, wires and pipes by the assessors of a city or town, either to the county commissioners or to the superior court, whose decision shall be conclusive upon the question of value. Upon such appeal the tax commissioner may be heard, and

R. L. 14, § 39,  
etc., amended.

Corporation  
to appeal from  
local valuation  
in certain  
cases.

in the superior court costs may be awarded as justice requires.

R. L. 14, § 42,  
etc., amended.

Valuation of  
tax commis-  
sioner to be  
conclusive in  
certain cases.

SECTION 4. Section forty-two of said chapter fourteen, as amended by section five of said chapter three hundred and forty-two, is hereby further amended by inserting before the word "underground", in the second line, the word: — poles, — so as to read as follows: — *Section 42.* If the value of the real estate, machinery and poles, underground conduits, wires and pipes of a corporation subject to local taxation within the commonwealth, as determined by the tax commissioner, is less than the value thereof as determined by the assessors of the place where it is situated, he shall give notice of his determination to such corporation; and, unless within one month after the date of such notice it applies to said assessors for an abatement and, upon their refusal to grant an abatement, prosecutes an appeal under the provisions of section seventy-seven of chapter twelve, giving notice thereof to the tax commissioner, the valuation of said commissioner shall be conclusive upon said corporation.

SECTION 5. This act shall take effect upon its passage.

*Approved May 24, 1909.*

#### **Chap. 440** AN ACT TO CHANGE THE DATE FOR THE ASSESSMENT OF TAXES, AND THE LISTING AND REGISTRATION OF VOTERS.

*Be it enacted, etc., as follows:*

Date of assess-  
ment of taxes  
established.

SECTION 1. The first day of April instead of the first day of May shall hereafter be the date for the assessment of taxes.

Amendments  
to Revised  
Laws, etc.

SECTION 2. Sections four, thirteen, fourteen, fifteen, twenty-three, twenty-six, forty-one, fifty-eight, ninety-three, ninety-four and ninety-six of chapter twelve of the Revised Laws; sections three, fourteen, thirty-five, forty-nine and fifty of chapter thirteen of the Revised Laws and the schedule of forms at the end of said chapter thirteen; sections four, eight, nine, twelve, sixteen, thirty-five excepting the second line thereof, thirty-seven, thirty-eight, and sixty-one of chapter fourteen of the Revised Laws; section twenty-six of chapter twenty-six of the Revised Laws; sections one hundred and twenty-eight, one hundred and twenty-nine and one hundred and forty-two of chapter one hundred and two of the Revised Laws;

sections one, two and three of chapter three hundred and seventy-four of the acts of the year nineteen hundred and two; sections forty-eight, forty-nine, seventy-two and eighty-six of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three; section one of chapter four hundred and forty-two of the acts of the year nineteen hundred and four; sections two hundred and eleven, two hundred and twelve and two hundred and sixteen of Part II of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six; sections one hundred and twenty-five and one hundred and twenty-six of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six; sections fourteen, fifteen and twenty of chapter five hundred and sixteen of the acts of the year nineteen hundred and six; sections fourteen, fifteen, eighteen, nineteen, twenty-five, twenty-six, forty-three, forty-four, forty-six, sixty, seventy, seventy-one, seventy-three, seventy-four, seventy-six, seventy-nine, eighty, eighty-three, eighty-six, one hundred and thirty-nine, one hundred and seventy-three excepting the ninth line thereof, one hundred and ninety, one hundred and ninety-three and three hundred of chapter five hundred and sixty of the acts of the year nineteen hundred and seven; chapter five hundred and eighty-six of the acts of the year nineteen hundred and seven as amended by chapter one hundred and ninety-four of the acts of the year nineteen hundred and eight; section one of chapter four hundred and eighty of the acts of the year nineteen hundred and eight; section four of chapter five hundred and fifty of the acts of the year nineteen hundred and eight, and all amendments of said sections and chapters are hereby amended by striking out the word “ May ”, wherever the same occurs in said sections, chapters, amendments or schedule of forms, and inserting in place thereof the word:—April.

Amendments  
to Revised  
Laws, etc.

SECTION 3. Section forty-one of chapter twelve of the Revised Laws, as amended by chapter one hundred and fifty-seven of the acts of the year nineteen hundred and three, is hereby amended by striking out the word “ July ”, in the twentieth line, and inserting in place thereof the word:—June,—and by striking out the word “ August ”, in the twenty-first line, and inserting in place thereof the word:—July.

R. L. 12, § 41,  
etc., amended.

R. L. 102,  
§ 128,  
amended.

SECTION 4. Section one hundred and twenty-eight of chapter one hundred and two of the Revised Laws is hereby amended by striking out the word "thirtieth", in the second line, and inserting in place thereof the word:— thirty-first,— and by striking out the word "April", in the third line, and inserting in place thereof the word:— March. Section one hundred and twenty-nine of said chapter one hundred and two is hereby amended by striking out the word "April", in the sixth line, and inserting in place thereof the word:— March.

R. L. 102,  
§ 129,  
amended.

SECTION 5. Section fifteen of chapter five hundred and sixty of the acts of the year nineteen hundred and seven is amended by striking out the word "June", in the second line, and inserting in place thereof the word:— May.

1907, 560, § 15,  
amended.

1907, 560, § 24,  
amended.

SECTION 6. Section twenty-four of chapter five hundred and sixty of the acts of the year nineteen hundred and seven is amended by striking out the words "March and April", in the tenth and nineteenth lines, and inserting in place thereof the words:— February and March. Section twenty-five of said chapter is amended by striking out the words "March and April", in the twelfth and fourteenth lines, and inserting in place thereof the words:— February and March.

Estimates  
to be made  
for eleven  
months, etc.

SECTION 7. In the year nineteen hundred and ten the income from trade, profession or employment and the income from annuities, shall, for the purpose of taxation, be estimated for the eleven months preceding April first, and the record of residence of the preceding year of persons liable for a poll tax or to police listing and of women for the purpose of registration shall be as of May first of the preceding year.

Repeal.

SECTION 8. All acts and parts of acts inconsistent herewith are hereby repealed.

When to take  
effect.

SECTION 9. This act shall take effect on the first day of January, nineteen hundred and ten.

*Approved May 24, 1909.*

#### *Chap. 441* AN ACT RELATIVE TO VOLUNTARY ASSOCIATIONS UNDER WRITTEN INSTRUMENTS.

*Be it enacted, etc., as follows:*

Copies of  
certain written  
instruments

SECTION 1. Trustees of a voluntary association under a written instrument or declaration of trust the beneficial



interest under which is divided into transferable certificates of participation or shares, shall file a copy of such written instrument or declaration of trust with the commissioner of corporations and with the clerk of every city or town in which such association has a usual place of business.

to be filed with the commissioner of corporations, etc.

SECTION 2. Trustees of a voluntary association under a written instrument or declaration of trust the beneficial interest under which is divided into transferable certificates of participation or shares, who own or control a majority of the capital stock of a railroad, street railway, gas company, or electric light company, shall annually on or before the first day of May file with the commissioner of corporations and with the board having supervision of such company a statement showing the number of shares of such company owned or controlled by them and the stockholders of record on the books of such company in whose names such shares are held.

Certain statements to be filed, etc.

*Approved May 24, 1909.*

AN ACT TO ENLARGE THE JURISDICTION OF POLICE, MUNICIPAL AND DISTRICT COURTS.

*Chap. 442*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter one hundred and sixty of the Revised Laws is hereby amended by striking out section twenty-eight and inserting in place thereof the following:—*Section 28.* They shall have jurisdiction, as aforesaid, of the crime of larceny; of obtaining, with intent to defraud, goods or chattels by a false pretence of carrying on business and dealing in the ordinary course of trade; of fraudulently obtaining property by any game, device, sleight of hand or pretended fortune telling or by any trick or other means by the use of cards or other implements or instruments; of buying, receiving or aiding in the concealment of stolen property, and of wilfully and maliciously destroying or injuring the personal property of another, if the property alleged to have been stolen, or to have been so obtained, bought, received, destroyed or injured, or the concealment of which is so aided, is not alleged to exceed the value of three hundred dollars. They shall also have jurisdiction, as aforesaid, of the crimes of adultery; of polygamy; of lewd and

R. L. 160, § 28, amended.

Jurisdiction of certain courts.

lascivious cohabitation; of open and gross lewdness and lascivious behavior; of forgery of a promissory note, or of an order for money or other property, if the sum of money named in such note or order, or the value of the property named in such order, does not exceed fifty dollars; of the uttering of such note or order not exceeding the value of fifty dollars, and they may impose the same penalties as the superior court in like cases, except imprisonment in the state prison.

When to take effect.

SECTION 2. This act shall take effect on the first day of July, nineteen hundred and nine.

*Approved May 24, 1909.*

### Chap.443

AN ACT RELATIVE TO LICENSING DEALERS IN MILK.

*Be it enacted, etc., as follows:*

Sale etc., of milk regulated.

SECTION 1. No person, partnership or corporation, except a producer selling milk to other than consumers, or not to exceed twenty quarts per day to consumers, shall deliver, exchange, expose for sale or sell or have in his custody or possession with the intent to deliver, exchange, expose for sale or sell any milk, skimmed milk or cream in any city or town in which an inspector of milk is appointed, without obtaining from the inspector of milk of such city or town a license. The license shall contain the number thereof, the name, place of business, residence, number of carriages or other vehicles used by the licensee and the name of every driver or other person employed by him in carrying or selling milk. A license issued to a partnership or corporation shall be issued in the business name of said partnership or corporation and it shall contain the names in full of the partners and managers of said partnership or officers of said corporation. The license shall, for the purposes of this chapter, be conclusive evidence of ownership and shall not be sold, assigned or transferred. Whoever in such cities or towns engages himself or by his servant or agent in the business of selling milk, skimmed milk or cream from any carriage or other vehicle shall display conspicuously on the outer side of all carriages or other vehicles so used, the license number in figures not less than one and one half inches in height and the name and place of business of the licensee in Gothic letters not less than one and one half inches in height. Whoever in such cities or towns engages himself or by his

Provisions of license.

License number to be displayed on vehicles, etc.

servant or agent in the business of selling milk, skimmed milk or cream in a store, booth, stand, or market place shall have his license conspicuously posted in such store, booth, stand or market place.

SECTION 2. Whoever, without being licensed in accordance with the preceding section, delivers, exchanges, exposes for sale or sells milk, skimmed milk or cream, or has it in his custody or possession with intent to deliver, exchange, expose for sale or sell, and whoever violates any of the provisions of the preceding section shall for a first offence be punished by a fine of not less than ten dollars nor more than one hundred dollars, for a second offence by a fine of not less than fifty dollars nor more than three hundred dollars and for a subsequent offence by a fine of fifty dollars and by imprisonment for not less than thirty nor more than sixty days. Penalties.

SECTION 3. Inspectors of milk in any city or town may, for the purposes mentioned in the preceding sections, grant licenses, subject to the regulations established by the board of health of such city or town, to suitable persons, and shall receive for each license so granted a fee of fifty cents for the use of such city or town, and all license fees collected by him shall be paid over monthly to the city or town treasurer. Such licenses shall remain in force until the first day of June next following, unless previous to that time said license is suspended or revoked. Said inspector of milk may declare any license granted by him suspended or forfeited upon a conviction of the licensee in any court of this commonwealth, for violation of the terms of his license. Fees  
for granting  
licenses.

SECTION 4. If the applicant for a license fails to comply with any regulation established by the board of health in the city or town where the application is made, a license may be refused until he has complied with such regulation; and a license granted under the provisions of this act may be revoked at any time for failure to comply with any such regulation as aforesaid. If a license is refused or revoked under this provision, an appeal may be taken to the state board of health, whose decision shall be final and conclusive. License may  
be forfeited,  
etc., for cause.

SECTION 5. Sections fifty-three and fifty-four of chapter fifty-six of the Revised Laws are hereby repealed, but this repeal shall not affect any pending suit or other proceeding. Revocation,  
etc., of license.

*Approved May 24, 1909.*

Repeal.

*Chap. 444* AN ACT TO AUTHORIZE THE STATE BOARD OF AGRICULTURE TO APPOINT A STATE NURSERY INSPECTOR AND TO PROVIDE FOR THE PROTECTION OF TREES AND SHRUBS FROM INJURIOUS INSECTS AND DISEASES.

*Be it enacted, etc., as follows:*

State nursery  
inspector,  
appointment,  
etc.

SECTION 1. The state board of agriculture shall annually appoint a person qualified by scientific training and practical experience, to be state nursery inspector, and he shall be responsible to the board for the performance of his duties as prescribed in this act. The said inspector may appoint such number of deputies, not exceeding six, as he may deem necessary or expedient.

Deputies.

Duties of  
inspector, etc.

SECTION 2. It shall be the duty of the state nursery inspector, either personally or through his deputies, to inspect at least once each year all nurseries or places in the state where nursery stock is grown, and if no dangerous insects or fungous pests are found therein, a certificate to that effect shall be given by him. If such pests are found therein the owner of the stock shall take such measures to suppress the same as the state nursery inspector shall prescribe, and no certificate shall be given until the said inspector has satisfied himself by subsequent inspections that all such pests have been suppressed.

Agent's  
license.

SECTION 3. Agents or other persons, excepting growers, who desire to sell nursery stock shall make application to the state nursery inspector for an agent's license, and shall file with the state nursery inspector the names and addresses of all persons or nurseries from which they purchase their stock. On receipt of such application, the state nursery inspector shall issue an agent's license valid for one year in such form and with such provisions as the state board of agriculture may prescribe. The license may be revoked at any time for failure to report the names and addresses of persons or nurseries from which stock is purchased, or for such other cause as may be deemed sufficient by the state nursery inspector and the secretary of the state board of agriculture.

License may  
be revoked  
for cause.

Sale, etc., of  
nursery stock  
regulated.

SECTION 4. It shall be unlawful for any person, firm or corporation to sell, exchange, give away, deliver or ship within the state any trees, shrubs or plants commonly known as nursery stock unless such person, firm or cor-

poration holds a grower's certificate or an agent's license, given under authority of this or some preceding act, and unless a copy of such certificate or license, or such other evidence as the state board of agriculture may prescribe, shall accompany each car, box, bundle or package sold, exchanged, given away, delivered or shipped, and unless such certificate or license is dated within twelve months of the date of delivery or shipment; but this section shall not be taken to prohibit the selling, giving or exchanging of trees, plants or shrubs by persons who are not growers of or dealers in nursery stock. Whoever violates any provision of this section shall be punished by a fine of not less than twenty-five or more than one hundred dollars for each offence.

Penalty.

SECTION 5. Every person, firm, or corporation residing and doing business outside of the state, dealing in or handling trees, shrubs, or other plants commonly known as nursery stock, and desiring to ship nursery stock into the state shall file a copy of his or its certificate of inspection furnished by the state entomologist, nursery inspector, or other duly authorized official of his or its state or country with the state nursery inspector. Upon the filing of the said certificate, and upon the request of such person, firm or corporation, a certificate shall be issued to the same, and official tags bearing a copy of such certificate and of the seal of the state shall be furnished to the same at cost: *provided, however*, that the aforesaid certificate of inspection shall be adjudged satisfactory by the state nursery inspector. Each car, box, bundle or package of nursery stock shipped by any such person, firm or corporation shall bear one of these tags, and shipments of stock not thus tagged shall be liable to confiscation by the state nursery inspector acting for the board of agriculture.

Certificate of inspection, filing, etc.

Proviso.

SECTION 6. No transportation company or common carrier shall accept for transportation into the state, or shall deliver any car, box, bundle or package of trees, shrubs, or plants commonly known as nursery stock, to any consignee residing within the state if such car, box, bundle, or package, does not bear an unexpired official tag or certificate of inspection issued by the state nursery inspector of Massachusetts, without previously notifying the state nursery inspector of the particulars of the shipment as may be prescribed by the board of agriculture,

Duties, etc., of common carrier in certain cases.



nor without duly warning the consignee of his risk in accepting the shipment. Failure on the part of any transportation company or common carrier to conform with these requirements shall be deemed a misdemeanor, and shall be punishable by fine as prescribed in section eleven hereof. No common carrier shall be liable for damages to the consignee or consignor for refusing to receive, transport, or deliver such cars, boxes, bundles, or packages, when not accompanied by the tag or certificate herein provided for.

Inspection  
of certain  
nursery stock.

SECTION 7. The state nursery inspector shall have power to inspect at its point of destination all nursery stock coming into the state, whether under certificate or not, and should such stock be found to be infested with any injurious insects or plant diseases, he may cause it to be destroyed or returned to the consignor at the consignor's expense.

Proceedings  
in case certain  
premises are  
found to be  
infected with  
disease or  
insect pests,  
etc.

SECTION 8. The state nursery inspector, either personally or through his deputies, may inspect any orchard, field, garden, roadside or other place where trees, shrubs or other plants are growing out of doors, either on public or private land, which he may know or have reason to suspect is infested with the San José scale or any serious insect pest or plant disease, when, in his judgment, such pests or diseases are liable to cause financial loss to adjoining owners; and may serve written notice upon the owner, or owners, occupant, or person in charge of trees, shrubs, or other plants thus infested, of the presence of such pests or plant diseases, with a statement that they constitute a public nuisance, together with directions to abate the same, giving the methods of treatment for the abatement thereof, and stating a time within which the nuisance must be abated in accordance with the methods given in the notice. If the person or persons so notified shall refuse or neglect so to treat or destroy such trees, shrubs or other plants within the time prescribed, the state nursery inspector shall cause such property to be so treated, and may employ all necessary assistants for this purpose, and such assistants shall have the right to enter upon any public or private property, if such entry is necessary for this purpose. Upon the completion of said treatment the state nursery inspector shall certify in writing to the owner or person in charge of the treated property the

amount of the cost of such treatment, and if this cost be not paid to the secretary of the state board of agriculture within ninety days thereafter the same may be recovered by suit, together with the costs of suit.

SECTION 9. In case of objection to the action of the state nursery inspector or his deputy in executing any provision of this act an appeal may be taken within ten days to the secretary of the state board of agriculture, and the appeal shall act as a stay of proceedings until it has been heard and decided by the secretary of the state board of agriculture, whose decision shall be final.

Appeal  
may be made  
to secretary  
of state board  
of agriculture.

SECTION 10. When the secretary of the state board of agriculture has heard an appeal and has rendered a decision that the action of the state nursery inspector from which the appeal was taken is sustained, the state nursery inspector shall notify in writing the owner or owners, occupant or person in charge of the trees, shrubs, or other plants concerned, of the decision of the secretary, and shall direct him or them within a given time to treat or destroy the trees, shrubs or other plants in accordance with a method prescribed in the notice. If the person or persons so notified shall refuse or neglect so to treat or destroy such trees, shrubs or other plants within the time prescribed, the state nursery inspector shall cause such property to be so treated and the cost of the treatment to be collected as provided in section nine of this act.

Owners, etc.,  
of trees,  
shrubs, etc.,  
to be notified  
of decisions of  
the secretary  
of the board  
of agriculture.

SECTION 11. Any person, firm or corporation violating any provision of this act or offering any hindrance to the carrying out of any part thereof, shall be adjudged guilty of a misdemeanor, and upon conviction before a magistrate or justice of the peace shall be fined not less than ten nor more than one hundred dollars for each offence.

Penalty.

SECTION 12. All prosecutions under the provisions of this act shall be instituted by the secretary of the state board of agriculture and shall be directed by him, and all penalties and costs recovered for the violation of any provision of this act shall be paid to the secretary of the state board of agriculture and by him immediately paid into the state treasury, to be kept as a fund for the use of the state nursery inspector in the enforcement of this act and as an addition to the appropriation provided for in this act, to be drawn from the treasury in the same manner as said appropriation.

Prosecutions,  
etc.

Powers of  
state nursery  
inspector.

SECTION 13. The state nursery inspector, with the approval of the secretary of the state board of agriculture, shall have power to prescribe such general regulations as may be needed to carry out the provisions of this act, and may publish information about such insects and diseases as are concerned in this act.

Not to apply to  
gypsy or brown  
tail moths, etc.

SECTION 14. No provision of this act shall be considered as applying to the gypsy or brown tail moths or to any stage thereof, outside of places where nursery stock is grown, or on property immediately adjoining the same.

Season  
for inspecting  
nurseries, etc.

SECTION 15. The state nursery inspector shall determine the season for inspecting nurseries and the forms of certificates to be given, but in no case shall he issue a certificate which shall continue in force after the first day of July next following the date of inspection. He or any of his deputies shall at all times have the right to enter any public or private grounds in the performance of any duty required by this act. He and each of his deputies shall receive five dollars for each day's service required of them under this act, and the travelling and other expenses necessarily incurred in the said service.

Compensation  
of inspectors.

Appropriation.

SECTION 16. A sum not exceeding two thousand dollars, in addition to the receipts under this act, may be expended by the state board of agriculture in carrying out the provisions hereof.

Repeal.

SECTION 17. Chapter four hundred and ninety-five of the acts of the year nineteen hundred and two, and chapter three hundred and twenty-one of the acts of the year nineteen hundred and seven, and so much of any other act as is inconsistent herewith, are hereby repealed, but this repeal shall not affect any act done or proceeding begun under any prior act.

*Approved May 25, 1909.*

## *Chap. 445* AN ACT TO INCORPORATE THE EAST BOSTON RAILROAD COMPANY.

*Be it enacted, etc., as follows:*

East Boston  
Railroad  
Company  
incorporated.

SECTION 1. John W. Beals, Frank Owen White, J. Murray Howe, Marland L. Pratt, Robert G. Dodge, Ernest W. Bowditch, John L. Lothrop, Gardner Beals, Ellerton P. Whitney, Robert J. Kissock, Frederick L. McGowan, George A. Sweetser, Henry H. Richardson, Arthur Wainwright and Joseph D. Dilworth, their associates and suc-

cessors, are hereby made a corporation by the name of East Boston Railroad Company, subject to all general laws now or hereafter in force relating to railroad corporations, so far as the same are applicable and not inconsistent herewith.

SECTION 2. The capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital stock.

SECTION 3. Said corporation may issue coupon or registered bonds to an amount which, including that of bonds previously issued, shall not exceed the capital stock of the corporation actually paid in at the time. Said bonds may be issued for any purpose for which the corporation may lawfully spend money, and the corporation may, as security for the payment thereof, mortgage or pledge its franchises and any of its real or personal property and property thereafter acquired by it.

Corporation may issue bonds, etc.

SECTION 4. No bonds or stock shall be issued under the provisions of this act until the issue shall have been approved by the board of railroad commissioners in the manner provided for the approval of the issue of bonds or stock of railroad corporations by chapter four hundred and sixty-three of the acts of the year nineteen hundred and six and by acts in amendment thereof and in addition thereto.

Issue of stock or bonds to be approved by railroad commissioners, etc.

SECTION 5. Said corporation may locate, construct, maintain and operate a railroad by steam power or electricity for the transportation of freight only, upon and over the following location, to wit:—starting at a point west of Border street near the corner of New street and Sumner street, thence in and through private land to Border street, thence in and through Border street to Condor street, thence in, through and over private lands and flats and near the southerly side of the channel of Chelsea creek, thence in and through and over flats by a continuation of a necessary curve under the Meridian street Chelsea bridge and thence southeasterly and afterward easterly or northeasterly in and through private lands and flats and lands of the city of Boston lying north of Condor street and East Eagle street, thence under Chelsea street and in and under private land and Bremen street to the tracks of the Boston and Albany Railroad Company, and may construct such branches, spurs, sidings, connections,

Location of railroad.

switches, terminal tracks and extensions in connection with the location above set forth as may be authorized by the board of railroad commissioners.

Tracks not to be laid in a public way until approved by the board of railroad commissioners, except, etc.

SECTION 6. Said corporation shall not lay any tracks in any public way in the city of Boston, other than Border street, until the location therein shall have been approved by the board of railroad commissioners. Said corporation may alter the location described in section five of this act with the approval of the said board. All details of equipment and operation of the said railroad shall be subject to the approval of the said board. Before the said railroad is constructed upon Border street, that street shall be widened throughout its whole length at the expense of the said corporation, to such an extent and in such manner as shall be prescribed by the said board which shall make its findings within ninety days after the passage of this act.

May acquire land outside the limits of public ways, etc.

SECTION 7. Said corporation may take or acquire by purchase or otherwise land outside the limits of public ways for the purpose of constructing its railroad, buildings, shops, stations and houses or other structures necessary for the location, construction, maintenance or operation of said railroad and for necessary and convenient terminals; and for the said purposes may take any land in the same manner in which land may be taken for railroad purposes as provided by chapter four hundred and sixty-three of the acts of the year nineteen hundred and six and acts in amendment thereof and in addition thereto: *provided, however,* that no taking shall be made of any land or rights in land, on the westerly or northwesterly sides of Border street, between Condor and Maverick streets, which will include any land or rights in land lying within eleven hundred feet of the harbor line at present established by the board of harbor and land commissioners. Said corporation shall pay all damages occasioned by such taking, and such damages shall, on application of either party, be estimated and determined in the manner provided by said chapter four hundred and sixty-three and acts in amendment thereof and in addition thereto in respect to railroad corporations.

Proviso.

Damages.

Tunnels may be constructed.

SECTION 8. Said corporation may construct such tunnels upon the route aforesaid as may be necessary to enable it to go under and across any land or any street included in the location determined according to the provisions of



sections five and six, and is hereby authorized to construct such bridges as may be necessary to enable it to construct its tracks over flats or tidewater: *provided, however*, that all such bridges and tunnels and the plans therefor shall be approved by the board of harbor and land commissioners or by the board of railroad commissioners as provided by said chapter four hundred and sixty-three and by acts in amendment thereof and in addition thereto with reference to bridges and tunnels of railroads. Proviso.

SECTION 9. Said company shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in said chapter four hundred and sixty-three and acts in amendment thereof and in addition thereto in relation to railroads, so far as the same are applicable, except as is otherwise provided herein. Powers and privileges.

SECTION 10. This act shall take effect upon its passage: *provided, however*, that the corporate powers of the said corporation shall cease unless it shall file with the treasurer and receiver general of the commonwealth a bond of two hundred and fifty thousand dollars, with sureties satisfactory to him, within ten days after the findings of the board of railroad commissioners as to the widening of Border street, as specified in section six; such bond to be conditioned upon the agreement that the said sum shall be paid to the commonwealth if the said railroad is not completed and opened for use within three years after the said findings of the board of railroad commissioners. When to take effect.  
Proviso.

*Approved May 25, 1909.*

AN ACT TO PROVIDE FOR A HIGH SCHOOL OF COMMERCE  
AND SCHOOL ADMINISTRATION BUILDING IN THE CITY OF  
BOSTON.

*Chap. 446*

*Be it enacted, etc., as follows:*

SECTION 1. The board of schoolhouse commissioners of the city of Boston may cause to be taken for the city as land is taken for schoolhouses, land in said city approved by the school committee of the city, for a building to be occupied by the High School of Commerce and by the administration offices of the school committee and of the board of schoolhouse commissioners; and said last named board shall build and furnish the building as approved by the school committee: *provided*, that the average assessed Land may be taken in the city of Boston for a building for the High School of Commerce, etc.

Provisos.

valuation of any land used or taken for said building shall not exceed twelve dollars and fifty cents a square foot; and *provided, further*, that land having a building thereon may be purchased at such price, irrespective of its assessed value, as the school committee, the schoolhouse commissioners and the mayor may determine.

Expenditures.

SECTION 2. The school committee of said city, to meet the expenses incurred under this act, may appropriate a sum not exceeding fifty thousand dollars in the year nineteen hundred and nine, three hundred thousand dollars in the year nineteen hundred and ten, and two hundred and fifty thousand dollars in the year nineteen hundred and eleven. The amount which the school committee may thus appropriate in any single year shall be reckoned in determining the statutory limit of indebtedness of the city for that year. The treasurer of the city shall issue and sell negotiable bonds of the city to such amount as shall be determined by the school committee within the powers conferred by this act. Said bonds shall be payable in a period of years not exceeding twenty, and shall bear interest at a rate not exceeding four per cent per annum. The city may, at the discretion of the mayor, issue said bonds upon the serial payment plan, instead of establishing a sinking fund for the retirement thereof. Such plan, if adopted, shall provide for the issue of bonds or scrip to be paid serially in such amounts and at such times as shall be determined by the mayor; the bond last payable to become due at a date not later than that on which the whole series of bonds would have matured if they had been issued under the sinking fund method. The orders of the school committee determining the amount of said bonds which the city treasurer is to issue shall be presented to the mayor for his approval or disapproval, and the same proceedings shall be had in respect thereto as are now prescribed by law in regard to other orders of the school committee involving the expenditure of money. The proceeds of said bonds shall be expended by the board of schoolhouse commissioners of the city in accordance with the provisions of this act and of chapter four hundred and seventy-three of the acts of the year nineteen hundred and one and of any amendments thereof.

The city may  
issue bonds,  
etc.

Payment of  
bonds, etc.

Proceeds of  
sale of a  
certain estate  
to be applied

SECTION 3. The proceeds of the sale of the estate on Mason street in said city now occupied by the school com-

mittee for office and other purposes, and of the Winthrop school estate on Tremont street, shall be applied toward the cost of the land and building authorized by this act, and the amount of bonds which may be issued hereunder shall be reduced by an amount equivalent to the net proceeds of such sale: *provided*, that if such sale shall not be completed until after the issue of some or all of the bonds authorized hereby, then the net proceeds of such sale, less any amount employed in reduction of the amount of bonds thereafter to be issued as above provided, shall be paid to the board of sinking fund commissioners and applied to the retirement or redemption of the bonds authorized hereby.

toward the cost of land and building.

Proviso.

SECTION 4. This act shall take effect upon its passage.  
*Approved May 26, 1909.*

AN ACT RELATIVE TO THE NASHUA AND ACTON RAILROAD. *Chap. 447*  
*Be it enacted, etc., as follows:*

SECTION 1. Section two of chapter two hundred and sixty-three of the acts of the year nineteen hundred and seven is hereby amended by striking out all after the word "franchises", in the nineteenth line, so as to read as follows: — *Section 2.* Said Nashua and Acton Railroad is hereby authorized, subject to the approval of the board of railroad commissioners, to acquire by purchase from the Concord and Montreal Railroad, and to hold, own and manage the property and franchises of the Nashua, Acton and Boston Railroad, acquired by said Concord and Montreal Railroad, at a foreclosure sale thereof. Said property and franchises shall be held subject to the lease of said Concord and Montreal Railroad to the Boston and Maine Railroad, dated June twenty-ninth, eighteen hundred and ninety-five, and to the mortgage of said Concord and Montreal Railroad to the Boston Safe Deposit and Trust Company, dated June second, eighteen hundred and ninety, as provided in the act of the New Hampshire legislature, chapter one hundred and fifty-one, approved January 24, 1905; and said Concord and Montreal Railroad is hereby authorized, subject to the approval of the board of railroad commissioners, to convey to said Nashua and Acton Railroad said property and franchises.

1907, 263, § 2, amended.

Nashua and Acton Railroad to acquire certain property and franchises.

1907, 263, § 3,  
amended.

Capital stock.

SECTION 2. Said chapter two hundred and sixty-three is hereby further amended by striking out section three and inserting in place thereof the following: — *Section 3.* The capital stock of said Nashua and Acton Railroad shall be three hundred thousand dollars, divided into three thousand shares of the par value of one hundred dollars each, and the said Nashua and Acton Railroad is hereby authorized to issue and deliver to the Concord and Montreal Railroad said three thousand shares of its capital stock in consideration of and in payment for the conveyance, as hereinbefore provided, of the property and franchises above mentioned.

SECTION 3. This act shall take effect upon its passage.  
*Approved May 26, 1909.*

*Chap.*448 AN ACT TO AMEND THE CHARTER OF THE CITY OF TAUNTON.

*Be it enacted, etc., as follows:*

City of  
Taunton, an-  
nual election.

SECTION 1. The annual city election of the city of Taunton shall be held on the Tuesday following the first Monday of December. Every special election shall be held on a Tuesday.

Municipal  
year.

SECTION 2. The municipal year shall begin on the first Monday of January at ten o'clock in the forenoon and shall continue until ten o'clock in the forenoon of the first Monday in January following.

Officers to be  
chosen.

SECTION 3. The municipal officers to be elected at city elections shall be the mayor; members of a single council, to consist of nine members, to be called the municipal council; and members of the school committee. The said municipal officers shall be elected at the times and in the manner hereinafter specified.

Election of  
mayor, etc.

SECTION 4. In the year nineteen hundred and nine and in every second year thereafter there shall be elected at the annual city election of said city, a mayor. In the year nineteen hundred and nine there shall also be elected nine councilmen. The four candidates receiving the largest number of votes for councilmen shall be elected for the term of two municipal years, and the five candidates having the next largest number of votes shall be elected for the term of one municipal year. At the annual city election in nineteen hundred and ten and every two years thereafter there shall be elected five councilmen

for the term of two years, and at the annual city election in nineteen hundred and eleven and every two years thereafter there shall be elected four councilmen for the term of two years. There shall also be elected in the year nineteen hundred and nine and annually thereafter three members of the school committee for the three municipal years next following their election. Except as aforesaid, and as otherwise provided in this act, no city officers shall be elected at any city election. The above mentioned officers shall be elected by and from the qualified voters of the city and may be residents of any part thereof.

SECTION 5. On the third Tuesday preceeding every annual or special city election at which any officer mentioned in section four is to be elected there shall be held a preliminary election or caucus for the purpose of nominating candidates for such offices as, under the provisions of this act, are to be filled at such annual or special city election.

Preliminary election or caucus.

SECTION 6. Any person who is qualified to vote for a candidate for mayor, councilman or member of the school committee, and who is a candidate for nomination for such office, may have his name, as such candidate, printed on the official ballots to be used at the preliminary election or caucus for nominations: *provided*, that, at least ten days before such preliminary election or caucus, there shall be filed with the city clerk, in behalf of such person, a petition of at least twenty-five voters of the city qualified to vote for a candidate for such office, which shall be in substantially the following form: —

Names of candidates to be printed on ballots for preliminary election, etc.

Proviso.

PETITION.

We, the undersigned voters of the City of Taunton, duly qualified to vote for a candidate for ( ), hereby request that the name of ( ) (party designation) as a candidate for nomination for said office be printed on the official ballots to be used at the preliminary election or caucus for nominations to be held on the Tuesday of 19 .

Form of petition.

We further state that we believe him to be of good moral character and qualified to perform the duties of the office.

Names of Voters.	Street and Number.



Laws governing annual city elections, etc., to apply.

SECTION 7. Except as otherwise provided in this act, the laws of the commonwealth governing annual city elections, special elections, preliminary elections and caucuses for nominations, shall, so far as they may be applicable, govern such elections in said city. And the provisions of law relating to election officers, voting places for elections, election apparatus and blanks, calling and conduct of elections, manner of voting at elections, counting and recounting of votes at elections, corrupt practices and penalties, shall apply to such preliminary elections and caucuses for nominations except as otherwise provided in this act.

Certain offices abolished, etc.

SECTION 8. At ten o'clock in the forenoon on the first Monday in January of the year nineteen hundred and ten, the city council, board of mayor and aldermen, board of aldermen and common council of said city shall be abolished; and except as otherwise provided in this act all the present powers and duties of all or any, the mayor and aldermen, board of aldermen, city council, common council, under any special or general act, shall devolve upon and thereafter shall be exercised and performed by the municipal council.

The municipal council to be sworn, etc.

SECTION 9. The municipal council elected as provided in this act shall meet at ten o'clock in the forenoon on the first Monday of January of each year and those of them whose term of office then begins shall severally take oath before the city clerk or a justice of the peace to perform faithfully the duties of their respective offices. If any person elected as mayor or councilman fails to take his oath of office for ten days, or if the mayor or any councilman fails for thirty consecutive days to attend the meetings of the board, his place may be declared vacant by the council.

Quorum.

SECTION 10. A majority of the members of the municipal council shall constitute a quorum. Its meetings shall be public, and the mayor, if present, shall preside. The municipal council shall elect a president, who shall hold office during the pleasure of the board, and who shall preside in the absence of the mayor. In the absence of both, a chairman pro tempore shall be chosen. The city clerk shall be, ex officio, clerk of the municipal council, and shall keep the records of its proceedings. All votes of the council shall be by yeas and nays, if three members so

request, and shall be entered upon the records. The affirmative vote of at least five members shall be necessary for the passage of any order, ordinance, resolution or vote and it shall require six votes to pass an order over the mayor's veto.

SECTION 11. The municipal council shall not pass any order, resolution or vote appropriating money in excess of five hundred dollars, or making, or authorizing the making of, any contract involving a liability on the part of the city in excess of five hundred dollars, unless the same is proposed in writing and remains on file in the office of the city clerk and is published by him in the local daily newspapers at least one week before its final passage, except an order, resolution or vote for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and which shall require for its passage a two thirds vote of the whole council.

Orders, resolutions, etc., not to be passed unless proposed in writing, etc.

SECTION 12. The municipal council shall each month print in pamphlet form an itemized statement of all receipts and expenditures of the city during the preceding month, and shall furnish copies thereof to the public library, to the daily newspapers published in said city, and to persons who shall apply therefor at the office of the city clerk. At the end of the municipal year it shall cause a full and complete examination of all books and accounts of the city to be made by competent accountants and shall publish the result of such examination in the manner above provided for publication of statements of monthly receipts and expenditures.

Statement of receipts and expenditures to be printed, etc.

Examination of books and accounts.

SECTION 13. The salary of the mayor shall be twelve hundred dollars per annum and the salary of each councilman shall be five hundred dollars per annum.

Salaries.

SECTION 14. No member of the municipal council shall, during the term for which he was chosen, be eligible, either by appointment or by election of the municipal council, to any other office, the salary of which is payable by the city, or shall, during such term, hold any such other office.

Members of municipal council not to be eligible to other office, etc.

SECTION 15. The municipal council may make rules for the conduct of its business. The mayor may be made a member of any of its committees and shall be a member and chairman of the committee on finance.

Rules, etc.

## Meetings.

SECTION 16. The municipal council shall meet not less than once each week. The mayor, president of the council, or any three members thereof, may, at any time, call a special meeting thereof.

## Powers of mayor, etc. Appointment of certain officers.

SECTION 17. The mayor shall retain all powers, privileges and duties not inconsistent with this act. In the year nineteen hundred and ten and every two years thereafter, during the month of January, the mayor shall appoint, subject to the approval of the municipal council, a chief of police and a city solicitor, each to serve for the term of two years and until his successor is appointed and qualified. A vacancy in either of said offices shall be filled in the same manner for the remainder of the term.

## Vacancy.

## Notes and bonds to be signed by the city treasurer, etc.

SECTION 18. Any notes or bonds which the city is authorized to issue shall be signed by the city treasurer and countersigned by the mayor and a majority of the municipal council.

## Powers of nomination, etc., to be exercised by the municipal council, etc.

SECTION 19. Such powers of nomination, appointment, confirmation and election for and to office or position, of approval and consent to nominations and appointments, of removal or suspension from office as are now vested in all or any, the mayor, mayor and aldermen, city council, board of aldermen and common council, shall, except as otherwise provided in this act, be exercised by the municipal council by vote; and the mayor shall have no power to make appointments to office, or removals or suspensions therefrom except as specially provided in this act, or by the Revised Laws and acts in amendment thereof. In the year nineteen hundred and ten and in every third year thereafter, the municipal council during the month of January, shall elect a city treasurer and collector of taxes, to serve for three years. A vacancy in either of the said offices shall be filled by the municipal council for the unexpired term.

## Repeal.

## Provisos.

SECTION 20. All acts and parts of acts inconsistent with this act are hereby repealed: *provided, however*, that such repeal shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or begun in any civil case before the time when such repeal takes effect, and that no offences committed and no penalties or forfeitures incurred under the acts or parts of acts hereby repealed shall be affected by such repeal; and *provided, also*, that all persons who at the time when said

repeal takes effect shall hold office under said acts shall continue to hold the same according to the tenure thereof, except as is otherwise provided herein, and *provided, also*, that all by-laws and ordinances of the city of Taunton in force at the time when said repeal takes effect, and not inconsistent with the provisions of this act, shall continue in force until the same are repealed or amended, and all officers elected or appointed under such by-laws and ordinances shall continue in office according to the tenure thereof, except as is otherwise provided herein.

SECTION 21. If there is a vacancy in the office of mayor or in the municipal council, the council shall call a special city election to fill the vacancy or vacancies for the unexpired term or terms, respectively, except that if such vacancy or vacancies occur less than six months prior to the expiration of said term or terms, the municipal council shall fill such vacancy or vacancies for the unexpired term or terms, respectively. If there is a vacancy in the school committee by failure to elect or otherwise, the municipal council and school committee, sitting jointly, shall elect a suitable person to fill the vacancy until the next annual election.

Filling of  
vacancies.

SECTION 22. When the municipal council shall pass an ordinance, or an amendment or a repeal of an ordinance, such ordinance, amendment or repeal shall, when it is not otherwise provided therein, take effect at the expiration of ten days after it is signed by the mayor.

When ordi-  
nances, etc.,  
shall take  
effect.

SECTION 23. The school committee of said city shall consist of the mayor, *ex officio*, and nine members elected as herein provided. Five members shall constitute a quorum. No site for a school building shall be acquired by said city unless the approval of such site by the school committee is first obtained. No plans for the construction of, or alterations in, a school building shall be accepted, and no work shall be begun on the construction or alteration of a school building, unless the approval of the school committee therefor is first obtained.

School com-  
mittee, etc.

SECTION 24. The question of the acceptance of this act shall be submitted to the qualified voters of the city of Taunton at the state election to be held in November in the year nineteen hundred and nine; and all existing laws applicable thereto shall apply to the holding of such election, the preparing, receiving and counting of ballots

Acceptance of  
act to be  
submitted to  
voters.

and the declaring and recording of the result. The vote shall be taken by ballot in answer to the question, "Shall an act passed by the general court in the year nineteen hundred and nine, entitled 'An Act to amend the charter of the city of Taunton,' be accepted?"

When to take effect.

SECTION 25. So much of this act as authorizes its submission to the qualified voters of said city shall take effect upon its passage. If it is not accepted it shall be void. If it is so accepted, it shall thereupon take full effect.

*Approved May 26, 1909.*

**Chap. 449** AN ACT RELATIVE TO THE APPORTIONMENT OF STATE AND COUNTY TAXES.

*Be it enacted, etc., as follows:*

R. L. 12, § 101,  
amended.

SECTION 1. Section one hundred and one of chapter twelve of the Revised Laws is hereby amended by striking out the first two sentences therein and inserting in place thereof the words: — Said commissioner shall cause abstracts to be prepared showing the amount of the corporate franchise value of corporations organized in this commonwealth, and of the value of the shares of national banks represented by the taxes distributed according to law to each city and town, — so as to read as follows: —

Abstracts to be prepared by the tax commissioner, etc.

*Section 101.* Said commissioner shall cause abstracts to be prepared showing the amount of the corporate franchise value of corporations organized in this commonwealth, and of the value of the shares of national banks represented by the taxes distributed according to law to each city and town.' He may require from state, city and town officers such further returns and statements relative to the amount and value of taxable property in the several cities and towns as in his judgment may be necessary. He shall to the best of his judgment and discretion prepare said equalization and apportionment upon the basis of the returns and statements herein provided for and authorized.

SECTION 2. This act shall take effect upon its passage.

*Approved May 26, 1909.*



AN ACT RELATIVE TO THE TIME FOR THE BRINGING OF *Chap.450*  
SUITS TO RECOVER ON CERTAIN BONDS.

*Be it enacted, etc., as follows:*

Section three of chapter four hundred and eight of the acts of the year nineteen hundred and six, as amended by section two of chapter two hundred and eighty-seven of the acts of the year nineteen hundred and nine, is hereby further amended by adding at the end thereof the words:— at any time within one year after the breach of such bond, — so as to read as follows:— *Section 3.* Suit to recover on a bond required to be filed under the provisions of this act, or of any acts in amendment thereof or in addition thereto, may be brought by or upon the relation of any party aggrieved, in a court of competent jurisdiction, at any time within one year after the breach of such bond.

1906, 408, § 3,  
etc., amended.

Suit to recover  
on bond, etc.

*Approved May 26, 1909.*

AN ACT TO PROVIDE FOR BETTER ACCOMMODATIONS FOR *Chap.451*  
THE COURTS, LAW LIBRARY AND COUNTY OFFICES OF  
THE COUNTY OF HAMPDEN.

*Be it enacted, etc., as follows:*

SECTION 1. The county commissioners of the county of Hampden are hereby authorized to make necessary repairs and alterations in, and additions to, the court house building in the city of Springfield, in order to provide suitable and sufficient accommodations for the courts, the law library and public offices of the county, and may expend for this purpose a sum not exceeding two hundred thousand dollars, which sum the commissioners may borrow from time to time upon the credit of the county. The building when completed shall be as nearly fireproof as is possible.

Accommoda-  
tions for the  
courts, etc.,  
of the county  
of Hampden.

SECTION 2. This act shall take effect upon its passage.

*Approved May 26, 1909.*

AN ACT TO PROVIDE FOR THE SUPPRESSION OF THE GYPSY *Chap.452*  
AND BROWN TAIL MOTHS.

*Be it enacted, etc., as follows:*

SECTION 1. The state forester is hereby authorized to expend for the suppression of the gypsy and brown tail

Expenditures  
for the  
suppression

of the gypsy  
and brown tail  
moths.

moths, and for expenses incidental thereto, the sum of one hundred and fifty thousand dollars annually for three years, beginning with the year nineteen hundred and ten; and if any part of the said one hundred and fifty thousand dollars remains unexpended at the close of any year the balance may be expended in the following year.

SECTION 2. This act shall take effect upon its passage.

*Approved May 26, 1909.*

**Chap.453** AN ACT TO PROVIDE FOR THE PENSIONING OF METROPOLITAN PARK POLICE OFFICERS.

*Be it enacted, etc., as follows:*

Pensioning of  
metropolitan  
park police  
officers.

SECTION 1. The metropolitan park commission shall, at his own request, if in the judgment of said commission he is disabled for useful service in said department, retire from active service and place upon a pension roll any member of the police department of said commission whom a physician selected by said commission certifies in writing to be permanently disabled, either mentally or physically, by injuries sustained through no fault of his in the actual performance of his duty, from further performing duty as such member, or any member of said department who has performed faithful service therein for not less than twenty years continuously, if, in the judgment of said commission, said officer is incapacitated for useful service as a police officer; and every member so retired shall annually receive as a pension one half the amount of compensation received by him at the time of his retirement.

Certain provisions of law  
not to apply.

SECTION 2. The provisions of section twenty-three of chapter nineteen of the Revised Laws and of chapter three hundred and fourteen of the acts of the year nineteen hundred and four, shall not apply to the retirement of a metropolitan park police officer under this act, if at the time of his retirement he is placed upon a pension roll as provided herein.

Pensioned  
officers may be  
called upon  
for temporary  
duty.

SECTION 3. The metropolitan park commission is hereby authorized, in case of emergency, to call upon any person pensioned under this act for such temporary service as a police officer as he may be fitted to perform, and during such service he shall be entitled to full pay.

Annuities may  
be paid to the  
widow, etc.,

SECTION 4. If any officer of the metropolitan park police shall die from injuries received while in the dis-

charge of his duty and shall leave a widow, or if no widow, any child or children under the age of sixteen years, a sum not exceeding four hundred dollars may be paid as an annuity to such widow so long as she remains unmarried, or for the benefit of such child or children so long as he or any one of them continue under the age of sixteen years, and the metropolitan park commission may from time to time determine the amount of such annuity within the limits aforesaid.

of an officer  
granted a  
pension.

SECTION 5. Pensions and annuities granted under this act and any expenses connected therewith shall be paid out of the appropriations for the Metropolitan Parks Maintenance Fund: *provided, however*, that such pensions, annuities and expenses shall not be paid out of any general appropriations made for the maintenance of lands, reservations or parkways under the care and control of said commission, but shall be provided for by specific appropriations for the purpose.

To be paid out  
of the Metro-  
politan Parks  
Maintenance  
Fund.

Proviso.

SECTION 6. This act shall take effect upon its passage.

*Approved May 27, 1909.*

AN ACT TO RELIEVE CERTAIN TOWNS FROM PAYMENT OF THE COST OF REPAIRS OF STATE HIGHWAYS. Chap. 454

*Be it enacted, etc., as follows:*

SECTION 1. The Massachusetts highway commission, upon application of the selectmen of any town, in which there is a state highway, that such town may be relieved from the payment of any part of the expenditures for the repair of state highways, may, if satisfied that such application should be granted, certify to the treasurer and receiver general that such town should not be required to pay any part of the expenditures for repair of state highways; and thereupon there shall not be included as a part of the state tax for such town, for the year in which the certificate is made, any part of the expenditures for repair of state highways.

Certain towns  
not to pay for  
repair of state  
highways.

SECTION 2. So much of section sixteen of chapter forty-seven of the Revised Laws as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

*Approved May 27, 1909.*

**Chap.455** AN ACT RELATIVE TO THE BOSTON TRANSIT COMMISSION.*Be it enacted, etc., as follows:*

Term of office  
of the Boston  
transit com-  
mission ex-  
tended.

SECTION 1. The term of office of the Boston transit commission and of the members thereof is hereby extended for two years from the first day of July in the year nineteen hundred and nine. The powers, duties and compensation of the members of said commission during said extended term shall remain the same as specified in chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four and acts in amendment thereof and in addition thereto. Any vacancy in said commission shall be filled in the manner provided in said chapter five hundred and forty-eight.

SECTION 2. This act shall take effect upon its passage.

*Approved May 27, 1909.*

**Chap.456** AN ACT TO EXTEND THE CORPORATE POWERS OF THE BOSTON DUCK COMPANY.*Be it enacted, etc., as follows:*

The Boston  
Duck Com-  
pany may  
supply water  
to the town  
of Palmer.

SECTION 1. The Boston Duck Company, a corporation having its principal place of business in Palmer, is hereby authorized to supply water for the extinguishment of fires and for domestic and other purposes to the inhabitants of that part of the town of Palmer which is included within the following boundary lines, to wit:—Beginning on the boundary line between the towns of Palmer and Belchertown at the centre line of the public way passing over the Swift river at the Sanctuary bridge, so-called; thence southeasterly along the centre line of said public way to the point where it is intersected by the centre line of the public way leading from Four Corners, so-called, to the village of Bondsville; thence northeasterly in a straight line to the intersection of the centre line of the public way leading from said village of Bondsville to Ware with the centre line of the public way leading northwesterly past the property formerly of John Clifford to the Enfield road, so-called; thence northwesterly along the centre line of said public way leading past the property of said Clifford to the boundary line between the towns of Palmer and Ware; thence southwesterly along said boundary line

to the boundary line between the towns of Palmer and Belchertown at the Swift river; thence southerly and westerly along said last named boundary line to the place of beginning.

SECTION 2. Said Boston Duck Company is also hereby authorized to supply water for the extinguishment of fires and for domestic and other purposes to the inhabitants of that part of the town of Belchertown which is included within the following boundary lines, to wit: — Beginning on the boundary line between the towns of Palmer and Belchertown at the centre line of the public way passing over the Swift river at the Sanctuary bridge, so-called; thence northerly and westerly along the centre line of the public way leading from said Sanctuary bridge toward Barrett's Junction to the intersection of said centre line with the easterly side line of the New London Northern Railroad Company's location; thence northerly along said easterly side line of said railroad company's location to the intersection of said line with the centre line of the public way leading northwesterly from Tylerville, so-called, to Belchertown Centre; thence easterly in a straight line to a point in the boundary line of the town of Belchertown where it is intersected by the boundary line between the towns of Palmer and Ware at the Swift river; thence southerly and westerly along the boundary line between the towns of Palmer and Belchertown to the place of beginning.

May supply water to a part of the town of Belchertown.

SECTION 3. For the purposes aforesaid the said Boston Duck Company may construct and lay conduits, pipes and other works under or over any lands, water courses, railroads, railways and public or private ways, and along such ways in either or both of the districts above described, and for the purpose of constructing, maintaining and repairing such conduits, pipes or other works, and for all proper purposes of this act, may enter upon and dig up such lands and ways: *provided, however*, that the said company shall not enter upon or dig up any private land or private way except with the consent of the owner or owners thereof, or any public way in the town of Palmer or in the town of Belchertown, except with the consent of the selectmen thereof, respectively; and said company shall restore to the satisfaction of the selectmen of said towns, respectively, the public ways dug up or otherwise

May construct and lay conduits, etc.

Proviso.



disturbed therein, and shall pay all damages sustained by any person in consequence of any act or neglect upon the part of said company, its agents or employees, in digging up or otherwise disturbing any lands or public or private ways under authority hereof.

May distribute  
water through  
said districts.

SECTION 4. The said Boston Duck Company may distribute water through either or both of the districts aforesaid or any part thereof, may regulate the use of such water and fix and collect rates therefor; and the town of Palmer, or any fire district hereafter established in that part of the territory thereof above described, and the town of Belchertown, or any fire district hereafter established in that part of the territory thereof above described, or any individual or corporation in either of the districts above described, may make such contracts with the said company for the use of water for the extinguishment of fires and for other purposes as may be agreed upon between such town, fire district, individual or corporation and the said company, and said company may establish and maintain fountains and hydrants within both or either of said districts and may relocate or discontinue the same.

Not to prevent  
or hinder  
said towns  
from estab-  
lishing water  
supply  
systems.

SECTION 5. Nothing contained in this act shall be so construed as to prevent or hinder the town of Palmer, or any fire district hereafter established in that part of the territory thereof described in section one of this act, from establishing in said district a system of water supply or from obtaining a supply of water for the use of the inhabitants thereof from some source other than said Boston Duck Company; and nothing contained in this act shall be so construed as to prevent or hinder the town of Belchertown, or any fire district hereafter established in that part of the territory thereof described in section two of this act, from establishing in said district a system of water supply or from obtaining a supply of water for the use of the inhabitants thereof from some source other than said company.

May manu-  
facture and  
distribute  
electricity,  
etc.

SECTION 6. The said Boston Duck Company is hereby authorized to manufacture, sell and distribute electricity for light to employees of said Boston Duck Company occupying dwelling houses owned by said company and located in the village of Bondsville in the town of Palmer; and for that purpose the said company may erect and

maintain necessary poles for the support of wires and may string and maintain wires thereon in, through and over public ways in said village of Bondsville, subject to the provisions of chapter one hundred and seventeen of the acts of the year nineteen hundred and six relative to the granting of locations for poles and wires in towns.

SECTION 7. The said Boston Duck Company may contract with the Central Massachusetts Electric Company, its successors or assigns, with the Springfield Street Railway Company, or with any other corporation now or hereafter operating a street railway in the town of Palmer, for the sale and delivery at the power-station of said Boston Duck Company, of electricity for light, heat and power.

May contract with certain corporations for supplying electricity for light, etc.

SECTION 8. Nothing herein contained shall be so construed as to abridge the powers heretofore granted to said Boston Duck Company.

Certain powers not abridged.

SECTION 9. This act shall take effect upon its passage.

*Approved May 28, 1909.*

AN ACT TO CONSOLIDATE THE BOARD OF EDUCATION AND THE COMMISSION ON INDUSTRIAL EDUCATION. *Chap. 457*

*Be it enacted, etc., as follows:*

SECTION 1. The board of education shall consist of nine persons, three of whom shall annually in April be appointed by the governor, with the advice and consent of the council, for terms of three years, except as herein provided. The members of the board shall serve without compensation. During the month of June in the current year the governor shall so appoint all of said nine members of the board, whose terms of office shall begin on the first day of July, nineteen hundred and nine, three for terms ending May first, nineteen hundred and eleven, three for terms ending May first, nineteen hundred and twelve, and three for terms ending May first, nineteen hundred and thirteen. Four of the present members of the board of education, and one of the members of the commission on industrial education shall be appointed members of the board of education provided for by this act.

Board of education, appointment, term of office, etc.

SECTION 2. The board of education shall exercise all the powers and be subject to all the duties now conferred

Powers and duties.

or imposed by law upon the present board of education, or upon the commission on industrial education by chapter five hundred and five of the acts of the year nineteen hundred and six and by chapter five hundred and seventy-two of the acts of the year nineteen hundred and eight, and acts in amendment thereof and in addition thereto, except as may otherwise be provided herein.

Commissioner  
of education,  
appointment,  
etc.

SECTION 3. The board shall appoint a commissioner of education, whose term of office shall be five years, and may fix his salary at such sum as the governor and council shall approve. Said commissioner may at any time be removed from office by a vote of six members of the board. He shall exercise all the powers and be subject to all the duties now conferred or imposed by law on the secretary of the board of education. He shall be the executive officer of the board, shall have supervision of all educational work supported in whole or in part by the commonwealth, and shall report thereon to the board. He shall be allowed for travelling expenses a sum not exceeding fifteen hundred dollars per annum. The board shall also appoint two deputy commissioners, at equal salaries, one of whom shall be especially qualified to deal with industrial education. The powers, duties, salaries and terms of office of said deputy commissioners shall be such as may be established from time to time by the board, but the board may, by a vote of six members thereof, remove from office at any time either of said deputy commissioners. The total expense for salaries incurred under this section, together with the salaries of such other assistants or agents, and the cost of such clerical and messenger service as may be necessary, shall not exceed forty thousand dollars annually, and the allowance for travelling expenses shall not exceed five thousand dollars annually, exclusive of the necessary travelling expenses of members of the board incurred in the performance of the duties of their office.

Deputy com-  
missioners,  
etc.

R. L. 39, § 6,  
amended.

SECTION 4. Section six of chapter thirty-nine of the Revised Laws is hereby amended by inserting after the word "returns", in the sixth line, the words:—like returns of the schools in charge of the board,— by inserting after the word "board", in the seventh line, the words:—together with a detailed report of all receipts and expenditures,— and by adding at the end of the section

the words:—The records of the doings of the board shall be open to public inspection,—so as to read as follows:

—*Section 6.* The board shall prescribe the form of census required by the provisions of section three of chapter forty-three, of registers to be kept in the public schools and of returns to be made by school committees; shall annually, on or before the third Wednesday of January, make to the general court a report containing a printed abstract of said returns, like returns of the schools in charge of the board, and a detailed report of all the doings of the board, together with a detailed report of all receipts and expenditures, with observations upon the condition and efficiency of the system of public education and suggestions in regard to the most practicable means of improving and extending it. The records of the doings of the board shall be open to public inspection.

Board of education to prescribe certain forms, etc.

SECTION 5. The terms of office of the present members of the board of education and of the commission on industrial education shall expire July first, nineteen hundred and nine, and said commission shall then cease to exist.

Terms of office of present members to expire.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 7. This act, so far as it provides for the appointment of the members of the board of education during the month of June, nineteen hundred and nine, shall take effect upon its passage and it shall take full effect on the first day of July, nineteen hundred and nine.

When to take effect.

*Approved May 28, 1909.*

AN ACT RELATIVE TO THE WATER SUPPLY OF THE CITY OF LYNN.

*Chap. 458*

*Be it enacted, etc., as follows:*

SECTION 1. The time within which the construction of the works for the enlargement and improvement of the water supply of the city of Lynn, required by the provisions of chapter four hundred and seventy-nine of the acts of the year nineteen hundred and seven, as amended by chapter six hundred and ten of the acts of the year nineteen hundred and eight, shall be begun by said city, is hereby further extended to the first day of January in the year nineteen hundred and ten, and the time within which said work shall be completed is hereby further extended

Time for enlargement and improvement of the water works of the city of Lynn extended.

to the first day of October in the year nineteen hundred and twelve.

Changes and  
modifications  
in plans, etc.

SECTION 2. Said city shall make such changes and modifications in the plans heretofore approved for enlarging and improving its water supply as shall be recommended by the public water board, and approved by the city council of the city and by the state board of health, and no money, except for preliminary investigation and for the preparation of plans, shall be appropriated or expended under the provisions of said chapters four hundred and seventy-nine and six hundred and ten or of this act until detailed plans of the work for which such money is to be appropriated have been submitted to and have received the approval of the city council. The city shall, however, through its public water board, proceed, immediately upon the passage of this act, to make preliminary investigations, surveys, plans and experiments necessary to secure the data upon which shall be predicated the detailed plans to be submitted to the city council for its approval under the provisions of this act.

1907, 479, § 2,  
amended.

Payment of  
loan, etc.

SECTION 3. Said chapter four hundred and seventy-nine is hereby amended by striking out section two and inserting in place thereof the following:—*Section 2.* The city council of said city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed by this act, and shall each year thereafter in the annual appropriation bills of the city make provision for payment out of the receipts for the use of water of such amounts of principal and interest on said loan as shall become due in the years for which the said appropriation bills are passed. If the receipts from the water rates available for the said purposes are not in any year sufficient for said payments the balance shall be raised by taxation.

Provisions of  
previous laws  
to be carried  
out.

SECTION 4. Except as said chapters four hundred and seventy-nine and six hundred and ten are specifically modified and amended hereby, the city of Lynn shall proceed in all respects in accordance with the provisions thereof.

SECTION 5. This act shall take effect upon its passage.

*Approved May 28, 1909.*



AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF  
THE COUNTY OF BERKSHIRE TO BORROW MONEY FOR  
ALTERATIONS AND REPAIRS IN THE COURT HOUSE IN THE  
CITY OF PITTSFIELD AND IN THE REGISTRIES OF DEEDS  
IN THE TOWNS OF ADAMS AND GREAT BARRINGTON. *Chap.459*

*Be it enacted, etc., as follows:*

SECTION 1. The county commissioners of the county of Berkshire are hereby authorized to borrow upon the credit of the county a sum not exceeding thirty-five thousand dollars for the purpose of making necessary alterations and repairs in the court house in the city of Pittsfield and in the registries of deeds in the towns of Adams and Great Barrington, and in the furnishings of the same. This indebtedness shall be paid out of the amounts received for taxes as follows:—Five thousand dollars on the first day of November, nineteen hundred and eleven, and ten thousand dollars on the first day of November of every succeeding year, until the whole of said indebtedness is paid.

Alterations and repairs in the court house in Pittsfield, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved May 28, 1909.*

AN ACT RELATIVE TO THE NEW BRIDGE OVER THE MERRIMAC RIVER IN HAVERHILL. *Chap.460*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter five hundred and seventy-seven of the acts of the year nineteen hundred and eight is hereby amended by striking out section five and inserting in place thereof the following:—*Section 5.* The said county commissioners are hereby authorized to lay out new highways and to relocate, alter, widen and discontinue existing highways and parts thereof, or to order and make specific repairs thereon, and to take or purchase the lands, rights or easements which may be required to carry out the purposes of this act; but in order to acquire land or rights in land, otherwise than by purchase, they shall first record in the registry of deeds for the southern district of the county of Essex a statement containing a description of the lands or rights taken or affected, and shall file a plan

1908, 577, § 5, amended.

New highways may be laid out and present highways relocated, etc., or discontinued, etc.

of the same in said registry. They shall estimate the damages to property, if any, sustained by any person by such taking of lands, rights or easements or by the laying out, relocation, alteration, widening or discontinuance of a highway, or by specific repairs ordered to be made in a highway, and any person aggrieved thereby may proceed in the same manner as in the case of highways, within one year after the filing of said statement; but in no event shall interest be recovered against the county for more than four per cent per annum.

SECTION 2. This act shall take effect upon its passage.

*Approved May 28, 1909.*

*Chap. 461* AN ACT TO AUTHORIZE THE MUNICIPAL AUTHORITIES OF THE CITY OF LOWELL AND OF THE TOWNS OF TYNGSBOROUGH AND DRACUT TO PERMIT SPEED TESTS OR CONTESTS UPON CERTAIN HIGHWAYS DURING CERTAIN DAYS IN THE CURRENT YEAR.

*Be it enacted, etc., as follows:*

City of Lowell and certain towns may permit speed tests by automobiles, etc., upon certain days.

SECTION 1. The mayor and board of aldermen of the city of Lowell and the selectmen of the towns of Tyngsborough and Dracut may, after a public hearing, and subject to such regulations concerning the closing, use and control of the highways as they deem necessary for public convenience and safety, grant permits to persons to drive motor cycles and automobiles in speed tests or contests during specified times and upon specified parts of any public way or ways, in their city or towns, respectively, at any rate of speed during the week beginning on the sixth day of September of the current year: *provided, however*, that if the weather should be unfavorable upon any day or days of said week, such permits may be granted for the same number of days in the week following; and *provided, also*, that no highway shall be closed on the Lord's day, nor shall any practice, exhibition or speed tests or contests be permitted on that day.

SECTION 2. This act shall take effect upon its passage.

*Approved June 1, 1909.*

AN ACT RELATIVE TO THE WILLIAMSTOWN WATER COM- *Chap. 462*  
PANY.

*Be it enacted, etc., as follows:*

SECTION 1. Section two of chapter three hundred and eleven of the acts of the year eighteen hundred and eighty-five is hereby amended by adding at the end thereof the words: — *provided, however*, that no source of water supply for domestic purposes and no lands shall be acquired or used under this act without the advice and consent of the state board of health, and that the location of all dams, reservoirs, wells or other works for collecting or storing water shall be subject to the approval of said board, — so as to read as follows: — *Section 2.* The said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold the water of any springs or brooks in the town of Williamstown and the water rights connected with any such water sources and any water procured from any other source under the authority of this act; and also all lands, rights of way and easements, necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures; and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways: *provided, however*, that no source of water supply for domestic purposes and no lands shall be acquired or used under this act without the advice and con-

1885, 311, § 2,  
amended.

The Williams-  
town Water  
Company may  
take water  
from certain  
springs, etc.

May construct  
and lay con-  
duits, etc.

Proviso.

sent of the state board of health, and that the location of all dams, reservoirs, wells or other works for collecting or storing water shall be subject to the approval of said board.

1885, 311, § 6,  
amended.

Real estate  
and capital  
stock.

SECTION 2. Said chapter three hundred and eleven is hereby further amended by striking out section six and inserting in place thereof the following:— *Section 6.* The said corporation may, for the purposes set forth in this act, hold lands not exceeding in value fifty thousand dollars; and the whole capital stock of said corporation shall not exceed one hundred thousand dollars to be divided into shares of one hundred dollars each; and said corporation may issue bonds to an amount not exceeding one hundred and sixty thousand dollars, and may secure the same at any time by a mortgage on its franchise and property.

Certain pur-  
chases by said  
company  
ratified.

SECTION 3. The purchase by the said Williamstown Water Company of lands, water rights and easements situated in the town of Pownal in the county of Bennington in the state of Vermont, bordering on or near to Rattlesnake brook, is hereby ratified and confirmed, and the said company may hold said lands, water rights and easements for the purposes for which it was incorporated, and may purchase and hold such other lands, water rights and easements situated in said Pownal, and bordering on or near to the said brook, as in the opinion of the state board of health may be necessary for the purposes aforesaid; and no lands or waters shall hereafter be acquired by said company except with the advice and consent of the state board of health.

Statement of  
cost of lands,  
etc., to be  
filed, etc.

SECTION 4. Within sixty days after the passage of this act the Williamstown Water Company shall file with the board of selectmen of the town of Williamstown a sworn statement of the cost of the lands, waters, water rights and other property acquired by said company in connection with the introduction of water from Rattlesnake brook; and in case the town of Williamstown shall at any time thereafter acquire the works of the Williamstown Water Company the value of the lands, waters, water works, rights and privileges acquired in connection with the said Rattlesnake brook shall not be held to exceed the amount paid therefor, nor shall the right to use water from Rattlesnake brook herein granted be held to increase

the value of the franchise of said Williamstown Water Company.

SECTION 5. This act shall take effect upon its passage.  
*Approved June 1, 1909.*

AN ACT RELATIVE TO THE SEWER LOAN OF THE TOWN OF *Chap.463*  
GARDNER.

*Be it enacted, etc., as follows:*

Section fifteen of chapter sixty-four of the acts of the year eighteen hundred and ninety is hereby amended by striking out the words "twenty-nine of the Public Statutes", in the fourth line, and inserting in place thereof the words:—twenty-seven of the Revised Laws and acts in amendment thereof or in addition thereto,—by inserting after the figures "1890", in the eighth line, the words and figures:—as amended by act of 1909,—and by striking out the word "twenty", in the ninth line, and inserting in place thereof the word:—thirty,—so as to read as follows:—*Section 15.* The said town of Gardner is hereby authorized to raise and appropriate in such manner as it shall determine, subject to the provisions of chapter twenty-seven of the Revised Laws and acts in amendment thereof or in addition thereto, such sums of money as shall be required to carry out the purposes of this act, and may from time to time issue negotiable notes, bonds or scrip, to be known as Sewer Scrip of the Town of Gardner, Act of 1890, as amended by act of 1909, payable at periods not exceeding thirty years from date of issue and bearing such rate of interest not exceeding six per cent as the town may determine. The town may sell such securities at public or private sale, or pledge the same, for not less than the par value, for money borrowed for the purposes of this act, on such terms and conditions as it may deem proper. *Approved June 1, 1909.*

1890, 64, § 15,  
amended.

Sewer Scrip of  
the Town of  
Gardner, Act  
of 1890, etc.

AN ACT RELATIVE TO THE LAYING OUT OF STATE HIGH-*Chap.464*  
WAYS.

*Be it enacted, etc., as follows:*

SECTION 1. Section five of chapter forty-seven of the Revised Laws is hereby amended by inserting after the word "commonwealth", in the third line, the words:—

R. L. 47, § 5,  
amended.



Petition for  
state highway.

lay out and, — and by inserting after the word “be”, in the sixth line, the words: — laid out and, — so as to read as follows: — *Section 5.* If the county commissioners of a county, the mayor and aldermen of a city or the selectmen of a town adjudge that the public necessity and convenience require that the commonwealth lay out and take charge of a new or an existing way as a highway, in whole or in part, in their county, city or town, they may apply by a petition in writing to the commission, requesting that said way be laid out and taken charge of by the commonwealth.

R. L. 47, § 6,  
amended.

Location of  
state high-  
way, etc.

SECTION 2. Section six of said chapter forty-seven, as amended by section one of chapter one hundred and eight of the acts of the year nineteen hundred and four, is hereby further amended by striking out the said section and inserting in place thereof the following: — *Section 6.* If said commission determines that public necessity and convenience require that such way should be laid out or be taken charge of by the commonwealth, it shall file a certified copy of a plan thereof, a copy of the petition therefor and a certified copy of a certificate that they have laid out and taken charge of said highway in accordance with said plan, in the office of the county commissioners for the county in which the way is situated, and shall file a copy of the plan and location of the portion lying in each city or town in the office of the clerk of said city or town, and thereafter it shall be a state highway, and shall be constructed and kept in good repair and condition by the commission, at the expense of the commonwealth. In laying out and taking charge of a way as a state highway the commission may adopt the boundary or location lines of the way theretofore existing, or it may lay out such state highway at a width greater or less than that of the existing way, and if a state highway be laid out where no way existed previously, the width of such state highway shall be as the commission shall deem necessary. If the width of a state highway be less than that of the way previously existing, that portion of the way which lies between the boundary or location lines of the state highway and the boundary or location lines of the way previously existing shall remain a public highway unless the commission shall determine that it should be abandoned: *provided, however, that the county commis-*

Proviso.

sioners of the county or the city or town in which the way is situated, whichever has jurisdiction of the way, may abandon at any time said portion in the manner provided by law for the alteration or relocation of public ways.

SECTION 3. Wherever a state highway has been heretofore laid out and taken charge of in behalf of the commonwealth and the boundary or location lines thereof do not coincide with the boundary or location lines of the way theretofore existing and a portion or portions of said way previously existing were not included within the location lines of said state highway, such portion or portions of said way may be abandoned hereafter as is provided in section two of this act.

Parts of state highways may be abandoned, etc.

SECTION 4. The location and laying out of all state highways heretofore laid out in behalf of the commonwealth are hereby legalized and confirmed notwithstanding that they may have been laid out at a width greater or less than that of the ways theretofore existing, or that they have been laid out where no public way existed previously.

Location and laying out of certain state highways legalized, etc.

SECTION 5. This act shall take effect upon its passage.

*Approved June 1, 1909.*

AN ACT TO AUTHORIZE THE CITY OF HOLYOKE TO PAY A SUM OF MONEY TO THE WIDOW OF JAMES J. LYNCH.

*Chap.465*

*Be it enacted, etc., as follows:*

The city of Holyoke is hereby authorized to pay to the widow of James J. Lynch, a member of the fire department of that city for many years, who died in August of the year nineteen hundred and eight, in consequence of injuries received by him in the discharge of his duty, the remainder of the salary to which he would have been entitled had he continued to serve the city until the end of the said year.

The city of Holyoke may pay a sum of money to the widow of James J. Lynch.

*Approved June 3, 1909.*

AN ACT RELATIVE TO THE PROTECTION AND SALE OF HARES AND RABBITS.

*Chap.466*

*Be it enacted, etc., as follows:*

SECTION 1. It shall be unlawful to take or kill a hare or rabbit between the first day of March and the fifteenth

Taking or killing of hares or rabbits regulated, etc.

day of October, or to buy or sell or offer for sale a hare or rabbit taken or killed between the above named dates in this commonwealth, or contrary to the laws of any other state or country. It shall be lawful at any time for any person to buy or sell hares or rabbits which have not been taken or killed contrary to the laws of this commonwealth or of any other state or country.

Repeal.

SECTION 2. Chapter one hundred and sixty-six of the acts of the year nineteen hundred and seven, chapter four hundred and thirteen of the acts of the year nineteen hundred and eight, and all acts and parts of acts inconsistent herewith, are hereby repealed.

Penalty.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine not exceeding ten dollars for each offence.

*Approved June 3, 1909.*

# *Chap. 467* AN ACT RELATIVE TO MISREPRESENTATIONS IN LIFE INSURANCE.

*Be it enacted, etc., as follows:*

1907, 576, § 74,  
amended.

Section seventy-four of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven is hereby amended by inserting after the word "thereof", in the tenth line, the words: — Nor shall any such company, agent or broker make any misrepresentation to any person insured in said company or in any other company for the purpose of inducing or tending to induce such person to lapse, forfeit or surrender his said insurance, — so as to read as follows: — *Section 74.* No life insurance company doing business in this commonwealth, and no officer, director, solicitor or other agent thereof shall make, issue, circulate or cause to be made, issued or circulated any estimate, illustration, circular or statement of any sort misrepresenting the terms of any policy issued by it or the benefits or advantages promised thereby, or the dividends or share of the surplus to be received thereon, or shall use any name or title of any policy or class of policies misrepresenting the true nature thereof. Nor shall any such company, agent or broker make any misrepresentation to any person insured in said company or in any other company for the purpose of inducing or tending to induce such person to lapse, forfeit or surrender his said insurance.

Misrepresentations to the assured prohibited, etc.

No life insurance company transacting business under the provisions of this act shall issue a policy to a resident of this commonwealth which does not bear in bold letters upon its face a plain description of the policy, so fully defining its character, including dividend periods and other peculiarities, that the holder thereof shall not be liable to mistake the nature or scope of the contract.

Policy to bear description on its face.

*Approved June 3, 1909.*

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AN ACT RELATIVE TO STATE AND MILITARY AID AND TO THE BURIAL OF INDIGENT SOLDIERS AND SAILORS.

*Chap. 468*

*Be it enacted, etc., as follows:*

SECTION 1. The commissioner of state aid and pensions, appointed under the provisions of chapter one hundred and ninety-two of the acts of the year nineteen hundred and two, shall perform the duties required of him under the laws relative to state and military aid. He shall investigate, so far as the interests of the commonwealth may require, all payments for state and military aid under the provisions of this act. He shall be a state agent for the settlement of pensions, bounty and back pay claims of citizens of this commonwealth against the government of the United States, shall be allowed his travelling expenses when it is necessary for him to visit the city of Washington, and may expend for such purposes and for all other expenses necessary to the proper performance of his duties such sums as the general court may appropriate. He shall furnish information, prepare papers and expedite the adjudication of claims, and assist claimants in proving their cases, and shall keep a record of the work done in his office and make an annual report thereof to the general court. The deputy commissioner appointed under the provisions of said chapter one hundred and ninety-two shall be subject to the direction and control of the commissioner. In case the commissioner is temporarily absent or unable from any cause to perform the duties of his office, the deputy shall perform the duties of the commissioner until such absence or disability ceases. The commissioner shall receive an annual salary of twenty-five hundred dollars, and the deputy commissioner shall receive an annual salary of two thousand dollars, and each shall devote his whole time to the duties

Commissioner of state aid and pensions, powers and duties, etc.

Deputy commissioner.

Compensation.

Clerks,  
agents, etc.

of his office. The commissioner may appoint a chief clerk at a salary of fifteen hundred dollars a year, two agents each at a salary of thirteen hundred dollars a year, one agent at a salary of one thousand dollars a year, one special agent at a salary of nine hundred dollars a year, one bookkeeper at a salary of thirteen hundred dollars a year, one clerk at a salary of twelve hundred dollars a year, one clerk at a salary of one thousand dollars a year, and two clerks each at a salary of not more than one thousand dollars a year.

Cities and  
towns may pay  
state and  
military aid.

SECTION 2. A city or town may raise money, and, under the direction of the mayor and aldermen or selectmen or, in Boston, subject to the order of the aldermen as to the amounts to be paid to beneficiaries, but under the direction of the soldiers' relief commissioner, pay state or military aid to, or expend it for, any worthy person, subject to the following conditions.

#### STATE AID.

Payment of  
state aid.

SECTION 3. A recipient of state aid shall have a residence, and shall actually reside, in the city or town from which such aid is received, shall not receive aid from any other city or town in the commonwealth nor from any other state, shall be in such needy circumstances as to require public assistance, and shall belong to one of the following classes:—

First class  
qualifications.

First Class, Invalid pensioners of the United States who served in the army or navy of the United States to the credit of this commonwealth either in the civil war, between the nineteenth day of April in the year eighteen hundred and sixty-one and the first day of September in the year eighteen hundred and sixty-five, or in the war with Spain, which for the purposes of this chapter is defined as having begun on the fifteenth day of February in the year eighteen hundred and ninety-eight, and as having ended on the twelfth day of August in said year; or who served in the said army or navy in the military organizations of this commonwealth known as three months' men, ninety days' men, or one hundred days' men, mustered into the service of the United States in April, May, June or July in the year eighteen hundred and sixty-one, or in April, May, July or August in the



year eighteen hundred and sixty-four; or who, having Provisos.  
 their residence and actually residing in this common-  
 wealth at the time of their enlistment, either served to  
 the credit of any other state in said army or navy, be-  
 tween the nineteenth day of April in the year eighteen  
 hundred and sixty-one and the eighteenth day of March  
 in the year eighteen hundred and sixty-two, or served in  
 said army or navy, having been mustered into the service  
 of the United States, at some time between the first day of  
 May and the first day of October in the year eighteen  
 hundred and sixty-two, while having a residence and actu-  
 ally living in this commonwealth and while a member of  
 one of the organizations of the volunteer militia known  
 as the Boston cadets, the Salem cadets, the eighth battery  
 of light artillery or company B of the seventh regiment  
 of infantry; or who served in said navy, being one of the  
 persons included in the list of officers, sailors and marines,  
 prepared by the adjutant general in accordance with chap-  
 ter fifteen of the resolves of the year eighteen hundred  
 and seventy-five and chapter eight of the resolves of the  
 year eighteen hundred and eighty, having been appointed  
 or mustered into and having served in the said naval serv-  
 ice of the United States while an actual resident of this  
 commonwealth; or who served in the regular army or  
 navy of the United States either in the civil war or in  
 the war with Spain, having been appointed or having en-  
 listed in said army while a citizen of this commonwealth,  
 having a residence and actually residing therein: *pro-*  
*vided*, that the said pensioners were honorably discharged  
 from their said service in the army or navy and from all  
 appointments and enlistments therein, and are so far  
 disabled by such service as to prevent them from following  
 their usual occupations.

Second Class. Dependent relatives of soldiers or sailors Second class.  
 who served in the manner and under the limitations de-  
 scribed for the service of said invalid pensioners, and who,  
 if they did not continue in the service of the United  
 States awaiting discharge upon the official proclamation  
 ending the war with Spain, or did not die in the service  
 above defined for invalid pensioners, were honorably dis-  
 charged therefrom, as follows: — The wives and widowed  
 mothers of said invalid pensioners who served in the civil  
 war, and the widows and widowed mothers of soldiers or

sailors dying in such service or after their honorable discharge therefrom, and the widows, children and widowed mothers of soldiers or sailors who served in the war with Spain, dying in such service or dying after their honorable discharge therefrom of wounds or disease incurred in such service, or dying while in receipt of a pension of the United States and the state aid of this commonwealth, and the wives, children and widowed mothers of said invalid pensioners who served in the war with Spain. Such children shall not be more than fourteen years of age, and shall have been born prior to their father's discharge from said service and prior to the date of said proclamation.

Third class.

Third Class, Dependent wives, widows and widowed mothers of soldiers or sailors who served in either of said wars in the manner required of said invalid pensioners, who appear on the rolls of their regiments or companies in the office of the adjutant general to be missing or to have been captured by the enemy, and who were not exchanged and have not returned from captivity, and whom the city or town officers granting such aid have good reason to believe to be alive, and the dependent children of such soldiers and sailors who would be entitled to receive aid in the second class if their fathers had been invalid pensioners because of service in the war with Spain.

Fourth class.

Fourth Class, Recipients of state aid as dependent fathers or mothers prior to the eleventh day of April in the year eighteen hundred and sixty-seven who were precluded from its receipt thereafter by the provisions of chapter one hundred and thirty-six of the acts of the year eighteen hundred and sixty-seven; also fathers or mothers, the fathers being living, of soldiers or sailors who served in the war with Spain, in the manner and under the limitations described for the service of said invalid pensioners and who died in such service, if such parents were receiving aid on the eighteenth day of May in the year eighteen hundred and ninety-nine. No aid shall be granted to persons in this class unless in each case the mayor and aldermen, selectmen or, in Boston, the soldiers' relief commissioner are satisfied, on evidence first reported to the commissioner of state aid and satisfactory to him, that justice and necessity require a continuance of the aid to prevent actual suffering.

Fifth Class, Women who served not less than three months as nurses in the army hospitals of the United States between the nineteenth day of April in the year eighteen hundred and sixty-one and the first day of September in the year eighteen hundred and sixty-five, and who for three consecutive years next prior to the date of application for aid, shall have been actually resident in this commonwealth, and who shall not be in receipt of an annuity from this commonwealth; if the municipal authorities are satisfied, on evidence first reported to and found satisfactory by the commissioner of state aid, that the service was actually rendered and that justice and necessity require the granting of aid. The amount of such aid and its duration shall be determined by the commissioner of state aid.

Fifth class.

SECTION 4. A wife or widow of a discharged soldier or sailor shall not be held to belong to any of the foregoing classes nor receive state aid unless, if the service of the soldier or sailor was in the war with Spain, she was married to him before his final discharge from such service and before the eighteenth day of May in the year eighteen hundred and ninety-nine, and if his service was in the civil war unless she was, if his wife, married to him prior to his final discharge from such service, and if his widow, prior to the twenty-seventh day of June in the year eighteen hundred and ninety. The words "pensioner", "soldier", and "sailor", as used in this chapter, shall be held to include a commissioned officer, and the word "sailor", shall be held to include a marine.

Restrictions as to wife or widow.

Certain words defined.

SECTION 5. Of the persons to or for whom state aid is paid under any special act or resolve, designating them by name, and passed after the first day of June in the year eighteen hundred and seventy-nine, or to or for whom state aid was then being paid under any special act or resolve then repealed, all soldiers and sailors shall be held to belong to the first class, and all dependent relatives of soldiers and sailors to the second class of section three, notwithstanding the limitations of such classes; and state aid may be paid to or for such persons in the same manner and with the same limitations as it is paid to or for other persons of their respective classes; but no aid shall be paid to or for any person under the provisions of this section contrary to any limitation or condition of the

Classification of certain beneficiaries, etc.

original special act or resolve authorizing state aid to be paid to or for him.

Limits of  
amounts to  
be paid.

SECTION 6. No state aid shall be paid to or for a person of the first class of section three exceeding in any one month three fourths of the monthly amount of his pension, nor exceeding six dollars in any one month; or to or for a person of the second, third, fourth or fifth class of said section exceeding four dollars in any one month; and no more than eight dollars shall be paid to or for all the dependent relatives of any one soldier or sailor in any one month. State aid shall not be paid to or for any soldier or sailor on account of service in the war with Spain, or to his dependent relatives, unless he enlisted or was appointed in the service of the United States after the fourteenth day of February and prior to the twelfth day of August in the year eighteen hundred and ninety-eight; but it may be allowed to or for volunteers mustered into the service of the United States in Massachusetts regiments after said twelfth day of August but prior to the first day of January, eighteen hundred and ninety-nine, who shall otherwise be qualified to receive the same, and to or for their dependent relatives.

No aid to be  
paid in certain  
cases, etc.

Applications  
for aid.

SECTION 7. Applicants for state aid shall, before any payment thereof to them, state in writing under oath the name, age and residence of the person for whom such aid is sought, his relation to the person who rendered the service entitling the applicant to aid, the company, regiment or vessel in or to which the officer, soldier or sailor enlisted or was appointed and in which he last served; the date and place of such enlistment, if known; the duration of such service and the reason upon which the claim for aid is founded; and shall furnish such official certificates of record, evidence of enlistment, service and discharge as may be required. The original papers in each case shall be filed with the commissioner of state aid, who shall from time to time provide each city and town with blank forms for the use of applicants for aid.

Commissioner  
to determine  
controversies,  
etc.

SECTION 8. Said commissioner shall determine all controversies between invalid pensioners and city and town authorities relative to claims for state aid. He may refuse to decide on the necessity of the claimants for aid, but if he shall determine that the claimant is entitled thereto he may authorize its payment to him monthly for not more

than one year, under such limitations as he may impose. An appeal may be taken from his determination to the governor and council, whose decision shall be final.

MILITARY AID.

SECTION 9. The recipient of military aid shall belong to and have the qualifications of one of the four following classes: —

Military aid.

First Class, Each person of the first class shall have his settlement in the city or town aiding him; shall have served as a soldier, sailor, marine or commissioned officer in the manner and under the limitations prescribed in the first class of section three; shall have been honorably discharged from such United States service and from all appointments and enlistments therein; shall be poor and indigent and, by reason of sickness or other physical disability, in such need as would entitle him to relief under the pauper laws; shall not be, directly or indirectly, in the receipt of any other state or military aid, or of any pension for services rendered or disabilities incurred either in the civil war or in the war with Spain; and shall not, under the laws of the United States or under the rules governing any national soldiers' or sailors' home, be entitled to admission thereto, and his disability must have arisen from causes independent of his military or naval service aforesaid; but the mayor and aldermen, selectmen or, in Boston, the soldiers' relief commissioner, if satisfied, upon evidence first submitted to, and found satisfactory by the commissioner of state aid, that justice and necessity require such aid to prevent actual suffering, may grant it to an applicant for a pension while his application is pending, or to an unmarried applicant for a pension who cannot obtain assistance at a national soldiers' or sailors' home.

First class qualifications.

Second Class, Each person of the second class shall have his settlement in the city or town aiding him, and shall be an invalid pensioner entitled to receive state aid whose pension and state aid are inadequate for his relief, and who would otherwise receive relief under the pauper laws.

Second class.

Third Class, Each person of the third class shall have all the qualifications of persons of the first class, except settlement; and he shall have been a continuous resident

Third class.



of this commonwealth during the three years last preceding his receipt of military aid, and he shall be a resident of the city or town aiding him.

Fourth class.

Fourth Class, Each person of the fourth class shall have all the qualifications of persons of the second class, except settlement; and he shall have been a continuous resident of this commonwealth during the three years last preceding his receipt of military aid, and he shall be a resident of the city or town aiding him.

Aid to persons of the third and fourth classes to be ordered by the commissioner.

SECTION 10. A city or town shall not render military aid to a person of the third or fourth class until it has furnished to the commissioner of state aid such evidence as may be required that he is entitled to receive aid, and has received from said commissioner an order fixing the maximum amount which may be paid a month, and the period during which aid may be allowed, and stating such other conditions as the commissioner may impose relative to such aid. Such order may be revoked or modified by the commissioner by giving written notice to the city or town which procures it.

Certain persons not to receive military aid, etc.

SECTION 11. No person shall be compelled to receive military aid without his consent. No person shall receive military aid on account of his service in the war with Spain unless he was enlisted or appointed in the service of the United States aforesaid after the fourteenth day of February in the year eighteen hundred and ninety-eight and prior to the twelfth day of August in said year; but military aid may be allowed to or for volunteers mustered into the service of the United States in Massachusetts regiments after said twelfth day of August but prior to the first day of January in the year eighteen hundred and ninety-nine, who shall otherwise be qualified to receive the same. No person shall be compelled to receive military aid in an almshouse or other public institution, unless his physical or mental condition requires it or unless he so elects; and, except in such case, it shall be paid to or expended for those persons only who live separate from persons receiving support as paupers. The mayor and aldermen, selectmen, soldiers' relief commissioner or the commissioner of state aid may require a person to whom military aid is granted to pay over his pension to them to be expended for his relief before he shall receive such aid.

Certain persons to pay over their pensions, etc.

GENERAL PROVISIONS.

SECTION 12. No person shall at the same time receive both state and military aid. Receipt of aid limited.

SECTION 13. State and military aid shall be paid to or applied solely for the benefit of the person for whom it is intended, and only so much shall be paid to or for him as may be necessary to afford him reasonable relief or support. It shall not be paid to or for any person who is able to support himself, who is in receipt of income or who owns property sufficient for his support, nor to an amount in excess of such amount as is necessary, in addition to his income and property, for his personal relief or support, nor to or for any soldier, sailor, pensioner, dependent relative or nurse if the necessity therefor is caused by the voluntary idleness or continuous vicious or intemperate habits of the soldier, sailor or pensioner on whose account such aid is sought, nor to or for any person who has been dishonorably discharged from any national soldiers' or sailors' home or from the soldiers' home in this commonwealth, unless the commissioner of state aid, after a hearing, shall otherwise determine. State aid shall not be subject to the trustee process, and no assignment thereof shall be valid. No back state aid shall be paid, nor shall state aid be paid to or for any person convicted of crime unless the municipal authorities and the commissioner of state aid otherwise determine, nor shall state or military aid be paid if the pensioner, soldier or sailor deserted from the service of the United States either in the war of the rebellion or in the war with Spain or is wilfully absent from his family and neglects to render them such assistance as he is able to give. To whom aid may be paid, etc.  
  
Not to be paid to certain persons, etc.  
  
Assignments not valid, etc.  
  
Payment restricted.

SECTION 14. The full amount expended for state or military aid by any city or town, the names of the persons aided and the classes to which they severally belong, the amounts paid to or for each person, the reasons therefor, the names of the persons on account of whose services the aid was granted, the names, if any, of the companies, regiments or vessels in which they respectively enlisted, or to which they were appointed, and in which they last served, and the relationship of each person who was aided to the soldier or sailor on account of whose services the aid Return of amounts paid to be made to the commissioner, etc.

was granted, and such other details as the commissioner of state aid may require, shall, within the first ten days of the month following the month in which the expenditure was made, be certified, under oath, by the mayor, treasurer and city clerk of any city or a majority of the selectmen of any town disbursing the same, to said commissioner on blank forms to be provided by, and in a manner approved by said commissioner. The commissioner shall examine the certificates thereof and allow and endorse thereon such amounts as in his judgment have been paid and reported according to the provisions of this act, and shall transmit the certificates to the auditor. Said commissioner may decide upon the necessity of the amount paid in each case, and may allow any part thereof which he may deem proper and lawful and which, in cases of payment to or for persons of the third or fourth class entitled to receive military aid, he shall also find to have been made according to his orders; but he shall allow and endorse the amounts which he has specifically authorized to be paid under and according to his decisions authorized and provided for by section eight of this act. The whole of the amounts legally paid as aforesaid and so allowed for state aid, and all payments to or for persons of the third or fourth class entitled to military aid, and one half of all payments made to persons of the first or second class entitled to military aid, but none of the expenses attending the payment of state or military aid, shall be reimbursed by the commonwealth to the several cities and towns on or before the tenth day of November in the year after such expenditure.

Certificates of payment to be examined by the commissioner, etc.

Allowances, etc.

Cities and towns to be reimbursed.

Investigating agents, appointment, etc.

Municipal authorities to make investigations, etc.

SECTION 15. The commissioner may, with the consent of the governor, appoint as occasion may require, one or more disinterested persons who shall investigate any claims against the commonwealth for state or military aid, may examine any persons to or for whom such aid has been paid, investigate the reasons therefor and all matters relating to the granting of such aid, and shall report their doings to the commissioner. The reasonable expenses of the commissioner, and the expenses and compensation of any such disinterested person, approved by said commissioner, and allowed by the governor and council, shall be paid by the commonwealth. Municipal authorities who grant state or military aid shall from time to time after its original allowance make such investigations of the

necessities and qualifications of the person aided as to prevent any payment thereof contrary to the provisions of this act.

SECTION 16. The provisions of the preceding sections of this act and of special acts or resolves now or hereafter authorizing the payment of state or military aid to persons therein named, unless expiring by limitation of their own provisions, or unless otherwise provided, shall continue in force until the first day of January in the year nineteen hundred and fifteen, but such provisions as relate to the settlement of accounts for aid rendered by cities or towns previous to said date and to the reimbursement thereof shall continue in force for one year after said date. Limitations.

SECTION 17. The mayor of each city and the selectmen of each town or, in Boston, the soldiers' relief commissioner, shall designate a burial agent, who shall not be one of the overseers of the poor or be employed by them, and who shall, under regulations established by the commissioner of state aid, cause properly to be interred the body of any honorably discharged soldier, sailor or marine who served in the army or navy of the United States during the war of the rebellion, or during the war between the United States and Spain after the fourteenth day of February and prior to the twelfth day of August in the year eighteen hundred and ninety-eight, and the body of his wife, widow or dependent mother, and the bodies of such army nurses as are entitled to state aid under section three of this act, if they die without sufficient means to defray funeral expenses; but no wife or widow of any soldier, sailor or marine of the civil war shall be entitled to the benefits of this section unless she was married to him prior to the year eighteen hundred and eighty, and no wife or widow of any soldier, sailor or marine of the Spanish war unless she was married to him prior to the first day of January in the year nineteen hundred and one. If an interment has taken place without the knowledge of the burial agent, application may be made to him within thirty days after the date of the death, and if upon investigation he shall find that the deceased was within the provisions of this section and the rules of the commissioner of state aid, he may certify the same as provided in the following section. Burial agents,  
designation,  
powers and  
duties, etc.

Expense of  
burial limited,  
etc.

Relatives may  
conduct  
funeral.

Amount of ex-  
penditure to be  
returned to the  
commissioner,  
etc.

Cities and  
towns to be  
reimbursed.

When to take  
effect.

SECTION 18. The expense of such burial shall not exceed thirty-seven dollars, two dollars of which shall be paid as compensation to the burial agent who has caused such interment to be made. It shall not be made in any cemetery or burial ground which is used exclusively for the burial of the pauper dead, or in any part so used of any cemetery or burial ground. Relatives of the deceased who are unable to bear the expense of burial may be allowed to conduct the funeral. The full amount so expended, the name of the deceased soldier, sailor or marine, the regiment, company or vessel in which he served, the date of death, place of interment, and in case of a wife or widow the name of the husband and date of marriage, and such other details as the commissioner of state aid may require, shall be certified under oath to him, in such manner as he may approve, by the burial agent and the treasurer of the city or town expending the amount, within ninety days after the burial; and said commissioner shall endorse upon the certificate his allowance of such amounts as in his judgment have been paid and reported according to the provisions of this act, and shall transmit such certificate to the auditor. The amounts legally paid and so allowed, with no expense for disbursement, shall be reimbursed by the commonwealth to the several cities and towns on or before the tenth day of December in the year after the expenditures have been made.

SECTION 19. This act shall take effect on the first day of July in the year nineteen hundred and nine, but so far as its provisions are the same as those of existing laws they shall be construed as a continuation thereof.

*Approved June 3, 1909.*

## *Chap. 469* AN ACT RELATIVE TO THE PLANTING, CULTIVATING AND BEDDING OF QUAHAUGS.

*Be it enacted, etc., as follows:*

Cities and  
towns may  
grant licenses  
for the  
planting, etc.,  
of quahaugs.

SECTION 1. Upon an application in writing, the mayor and aldermen of a city or the selectmen of a town may grant a written license subject to such rules and regulations as are approved by the city council of the city, or by the voters of the town at an annual or special town meeting, for the purpose of planting and cultivating quahaugs upon and in the flats and creeks of their respective



cities and towns below mean low water mark and within the limits to be specified in the license, for a term of not more than ten or less than five years, to any person who has resided in the state or has been a taxpayer in the city or town for not less than one year preceding the date of his application; and all such licenses may be assigned by the licensee to any person who has been a resident of the state or a taxpayer in the city or town for not less than one year preceding the date of the assignment, but shall not be assigned or transferred without the written consent of the mayor and aldermen of such city or the selectmen of such town.

SECTION 2. The mayor and aldermen of a city or the selectmen of a town may grant to any person who has received a license in accordance with the provisions of the preceding section an additional license for the purpose of bedding quahaugs and of gathering the seed from the same between high and low water mark for such period, not exceeding five years, and under such conditions as they may deem proper. The territory to be covered by the said license shall not include more than one half acre.

Additional license may be granted, etc.

SECTION 3. The licenses herein provided for shall not be granted if their exercise would materially obstruct navigable water. No license shall be granted under this act until after a public hearing, stating the name and residence of the applicant, the date of the filing of the application, the location, area, and description of the grounds applied for, due notice of which has been posted in three or more public places, and published in a newspaper, if there be any, published in the city or town in which the premises are situated, at least ten days before the time fixed for the hearing.

Navigable water not to be obstructed, etc.

SECTION 4. It shall be unlawful, for any person, except the licensee or his agents or assignees, to dig or take quahaugs or quahaug seed within the territory covered by a license granted hereunder, or to remove the same from the said territory.

No person except the licensee to take quahaugs, etc.

SECTION 5. A license granted hereunder shall describe by metes and bounds the waters, flats and creeks to which the license is applicable, and it shall have no force until it is recorded with the clerk of the city or town granting the same, and the licensee shall pay annually to the city or town a fee of not less than one dollar nor more than

Description of territory to which license is applicable to be recorded, etc.

five dollars per acre for the license, as the mayor and aldermen of the city and the selectmen of the town may determine. A recording fee of fifty cents shall be paid to the clerk of the city or town for recording the said license or an assignment thereof. The said license and any assignments thereof shall be recorded in a book to be kept for the purpose in the office of the clerk of the city or town, and such books shall be open to inspection by the public. Forms for licenses and for assignments shall be provided by the mayor and aldermen of a city or the selectmen of a town at the expense of the city or town.

Survey and plan to be made before license is granted, etc.

SECTION 6. Before granting any license hereunder the mayor and aldermen of a city or the selectmen of a town shall cause to be made a survey and plan of the territory within which licenses are to be granted, and shall cause to be marked upon a copy of such plan to be kept in the office of the city or town clerk the territory covered by any license issued by them. It shall be the duty of the licensee upon receiving his license to cause the territory covered thereby to be plainly marked out by stakes, buoys, ranges or monuments which shall be maintained by him during the term of the license. Failure to place or to maintain the same shall be sufficient cause for revocation of the license by the authority granting the same.

Superior court may appoint a commission to determine if licensee is acting in good faith, etc.

SECTION 7. If it appears to the mayor and aldermen of a city or the selectmen of a town granting a license hereunder that the licensee or his assignee does not actually occupy and use in good faith for the purposes specified in sections one and two the territory covered by the license, they shall petition the superior court of the county wherein the territory is situated to appoint a commission of one or more persons to investigate and report to the court as to the use and occupancy of such territory; and the court shall appoint a commission of one or more persons who, after twelve days' notice to the petitioners and the respondent, shall hear the petitioners and respondent and shall transmit their findings to the court. If it shall appear to the court that the said territory is not used and occupied in good faith for the purpose stated in the license, the court may order that use of the territory shall revert to the city or town and that all stakes or buoys or other appliances marking the same shall be re-

moved. The costs upon said petition shall be assessed as the court may direct.

SECTION 8. The licensee, his heirs or assignees, shall for the purposes described in the license have the exclusive use of the territory described therein during the term of the license and may in an action of tort recover treble damages of any person who, without his or their consent, digs or takes quahaugs or other shellfish in the territory covered by the license or removes the same therefrom. Whoever so digs, takes or removes quahaugs or other shellfish shall, in addition, be subject to a penalty of twenty dollars for each offence.

Licensee to have exclusive use, etc.

SECTION 9. All acts and parts of acts inconsistent herewith are hereby repealed.

*Approved June 3, 1909.*

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AN ACT TO PROVIDE FOR ESTABLISHING IN THE CITY OF BOSTON A HOSPITAL FOR THE OBSERVATION AND TREATMENT OF MENTAL DISEASES.

*Chap. 470*

*Be it enacted, etc., as follows:*

SECTION 1. The trustees of the Boston state hospital are hereby authorized, with the approval of the governor and council and of the state board of insanity, to take, or acquire by purchase or otherwise, in the name and behalf of the commonwealth, lands and rights in land, for the purpose of establishing in the city of Boston a hospital for the first care and observation of mental patients and the treatment of acute and curable mental diseases. Said trustees shall erect on land so acquired and shall furnish and equip buildings sufficient to accommodate one hundred patients and the necessary officers, nurses and employees and to provide for general administration, an out-patient department, treatment rooms and laboratories for scientific research as to the nature, causes and results of insanity. Any land or rights in land acquired under authority of this act shall be under the control of the trustees of the Boston state hospital and any buildings erected thereon shall be a part of said hospital.

Hospital for the first care and observation of mental patients, in Boston.

SECTION 2. To provide funds to carry out the provisions of section one of this act, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of in-

Issue of scrip or certificates of indebtedness, etc.

Prisons and  
Hospitals  
Loan.

Sinking fund.

The common-  
wealth to be  
reimbursed for  
certain ex-  
penditures,  
etc.

debtedness to an amount not exceeding six hundred thousand dollars, for a term not exceeding thirty years. Such scrip or certificates of indebtedness shall be issued as registered bonds, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of May and November. They shall be designated on the face thereof as the Prisons and Hospitals Loan, shall be countersigned by the governor, shall be deemed a pledge of the faith and credit of the commonwealth, and the principal and interest shall be paid at the times specified therein, in gold coin of the United States or its equivalent. Such scrip or certificates of indebtedness shall be disposed of at public auction, or in such other mode, and at such times and prices, and in such amounts, and shall bear such rates of interest, not exceeding four per cent per annum, as shall be deemed best for the commonwealth. The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the Prison and Hospital Loan Sinking Fund, shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act; and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

SECTION 3. Upon the issue of bonds herein provided for, the treasurer and receiver general shall refund to the treasury of the commonwealth such amounts as have heretofore been appropriated and expended for the preparation of plans and for the location of said hospital, as provided for by chapter six hundred and twenty-six of the acts of the year nineteen hundred and eight.

SECTION 4. This act shall take effect upon its passage.

*Approved June 4, 1909.*

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**Chap. 471** AN ACT RELATIVE TO THE STAMPING AND BRANDING OF  
THE CARCASSES OF CERTAIN DOMESTIC ANIMALS.

*Be it enacted, etc., as follows:*

R. L. 75, § 103,  
amended.

Section one hundred and three of chapter seventy-five of the Revised Laws, as set forth in chapter two hundred

and twenty of the acts of the year nineteen hundred and three, is hereby amended by striking out the word "is", in the third line, and inserting in place thereof the word: — are, — and by striking out the words "in force on the fifteenth day of June in the year nineteen hundred and one", in the sixth and seventh lines, so as to read as follows:— *Section 103.* In a slaughtering establishment wherein inspection and branding are not carried on under the rules and regulations for the inspection of live stock and other products, established by the United States department of agriculture in accordance with acts of congress, the carcasses of animals slaughtered under the provisions of the four preceding sections shall at the time of slaughter, if not condemned, be stamped or branded by the inspector thereof in like manner as those inspected by the United States bureau of animal industry for interstate trade, by a stamp or brand designed for the purpose by the cattle bureau of the state board of agriculture, which shall be furnished by it to the board of health of a city or town applying therefor. Such stamps shall be uniform in design throughout the commonwealth, but shall contain the name of the city or town in which they are used.

Carcasses of animals slaughtered to be stamped or branded, etc.

*Approved June 4, 1909.*

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AN ACT RELATIVE TO TRANSFERS AND COMMITMENTS TO THE INDUSTRIAL SCHOOL FOR BOYS. Chap. 472

*Be it enacted, etc., as follows:*

SECTION 1. The state board of charity shall have the right to transfer boys in its custody between the ages of fifteen and eighteen years to the industrial school for boys; but no boys shall be transferred to said school by the trustees of any institution without the consent of the trustees of the industrial school for boys.

Transfer of boys in the custody of the board of charity, etc.

SECTION 2. For a period of two years after the school is declared open its trustees may notify the courts of commitment when the school is full, and no boys shall thereafter, within this period, be committed except with the consent of the trustees; but the courts of commitment shall have during this time the same right to commit boys over fifteen years of age to the Suffolk School for Boys as existed before the said industrial school was declared open.

Courts of commitment to be notified when school is full, etc.

*Approved June 4, 1909.*



*Chap.*473 AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO SELL OR LEASE CERTAIN LAND FOR THE TRANSMISSION OF ELECTRIC POWER.

*Be it enacted, etc., as follows:*

1895, 488, § 11,  
amended.

Storing or  
pumping of  
water, pur-  
chase of prop-  
erty, etc.

SECTION 1. Section eleven of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five is hereby amended by inserting after the word "needed", in the fourteenth line, the words: — and may, in their discretion, by lease, license or other agreement, permit the construction and maintenance on any land under their control of towers, poles, wires and other structures for the purpose of transmitting electric power over lands and waters of the commonwealth held for water supply purposes: *provided*, that, in the opinion of the board, such lease, license or agreement will not affect or interfere with the metropolitan water supply; and *provided*, further, that no lease, license or agreement shall be given or made for a period of more than fifteen years, — so as to read as follows: — *Section 11.* Said board and any city, town or water company aforesaid, may agree with each other for the storing or pumping of water, or the furnishing of the same as aforesaid by either party to any city, town or company; and any such city, town or company may sell to said board, and said board may purchase any property of such city, town or company, whether taken by eminent domain or otherwise, that said board may deem desirable for use in furnishing, as aforesaid, water to any city, town or water company; and said board may sell at public or private sale any property, real or personal, whether taken by eminent domain or otherwise, no longer needed for the water works under their charge, or may from time to time lease any property not then so needed; and may, in their discretion, by lease, license or other agreement, permit the construction and maintenance on any land under their control of towers, poles, wires and other structures for the purpose of transmitting electric power over lands and waters of the commonwealth held for water supply purposes: *provided*, that, in the opinion of the board, such lease, license or agreement will not affect or interfere with the metropolitan water supply; and *provided*, further, that no lease, license or agreement shall be

given or made for a period of more than fifteen years. The proceeds from the operations of said board shall be paid into the treasury of the commonwealth.

SECTION 2. This act shall take effect upon its passage.

*Approved June 4, 1909.*

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AN ACT RELATIVE TO THE SLAUGHTER OF ANIMALS AND TO THE INSPECTION AND SALE OF CARCASSES THEREOF.

*Chap. 474*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter three hundred and twenty-nine of the acts of the year nineteen hundred and eight is hereby amended by adding at the end thereof the following new section:—*Section 8.* This act shall not affect the provisions of section seven of chapter ninety of the Revised Laws, as affected by section three of chapter one hundred and sixteen of the acts of the year nineteen hundred and two: *provided, however,* that nothing in this act shall be construed to permit the sale, offer for sale, or keeping with intent to sell, for food, of meat infected in any degree with tuberculosis or any other disease.

1908, 329,  
amended.

Certain provisions of law  
not affected.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved June 4, 1909.*

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AN ACT TO PROVIDE FOR THE CONSTRUCTION OF NEW BUILDINGS AT THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

*Chap. 475*

*Be it enacted, etc., as follows:*

SECTION 1. The trustees of the Massachusetts hospital for epileptics are hereby authorized to expend a sum not exceeding one hundred and eighteen thousand dollars, for the following purposes:—For constructing and furnishing two dormitories, each to hold seventy-five patients, a sum not exceeding eighty-four thousand dollars, and for constructing and furnishing a service building, a sum not exceeding thirty-four thousand dollars.

Construction of new buildings at the Massachusetts hospital for epileptics.

SECTION 2. To meet the expenses aforesaid the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding one hundred and eighteen thousand dollars, for a term not exceeding thirty years. Such scrip or certificates of indebt-

Hospital for Epileptics Loan.

Prison and  
Hospital Loan  
Sinking Fund.

edness shall be issued as registered bonds, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of May and November. They shall be designated on the face thereof, Hospital for Epileptics Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the commonwealth; and the principal and interest thereof shall be paid at the times specified therein in gold coin of the United States or its equivalent. The said securities shall be disposed of at public auction, or in such other mode, and at such times and prices, and in such amounts, as shall be deemed best, but none of the same shall be sold at less than the par value thereof. The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the Prison and Hospital Loan Sinking Fund, shall also be maintained for the purpose of extinguishing securities issued under authority of this act, and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of the said securities. The amount necessary to meet the annual sinking fund requirements and to pay the interest on the bonds shall be raised by taxation from year to year.

SECTION 3. This act shall take effect upon its passage.

*Approved June 7, 1909.*

*Chap. 476* AN ACT RELATIVE TO THE MARKING OF CERTAIN CARRIAGES AND THE INSPECTION OF CERTAIN DOMESTIC ANIMALS.

*Be it enacted, etc., as follows:*

R. L. 75, § 104,  
etc., amended.

Section one hundred and four of chapter seventy-five of the Revised Laws, as set forth in chapter two hundred and twenty of the acts of the year nineteen hundred and three, is hereby amended by inserting after the word "provided", in the tenth line, the words:— or whoever not being a member of a board of health, or a duly appointed inspector stamps or brands a carcass or any part thereof required by the provisions of the preceding section to be stamped or branded, or whoever being a member of a board of health or a duly appointed inspector permits

or allows the use of his stamp or brand by one not a member of a board of health or a duly appointed inspector, or whoever counterfeits any stamp or brand required by the provisions of the five preceding sections, or whoever stamps or brands any carcass or any part thereof with any counterfeit stamp or brand, — so as to read as follows:— *Section 104.* The carcasses of animals slaughtered under the provisions of the five preceding sections and not stamped or branded as provided in the preceding section shall be deemed unfit for human food and shall not be sold or offered for sale. Whoever sells, or offers for sale, or has in his possession with intent to sell, a carcass or any part thereof required by the provisions of the preceding section to be stamped or branded, which has not been stamped or branded as therein provided, or whoever not being a member of a board of health, or a duly appointed inspector stamps or brands a carcass or any part thereof required by the provisions of the preceding section to be stamped or branded, or whoever being a member of a board of health or a duly appointed inspector permits or allows the use of his stamp or brand by one not a member of a board of health or a duly appointed inspector, or whoever counterfeits any stamp or brand required by the provisions of the five preceding sections, or whoever stamps or brands any carcass or any part thereof with any counterfeit stamp or brand, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

Carcasses of animals unstamped, etc., to be deemed unfit for food, etc.

Penalty for failure to comply with law, etc.

*Approved June 7, 1909.*

AN ACT RELATIVE TO THE ISSUE OF ADDITIONAL CAPITAL STOCK BY GAS AND ELECTRIC LIGHT COMPANIES.

*Chap. 477*

*Be it enacted, etc., as follows:*

SECTION 1. A gas or electric light company shall, upon any increase of its capital stock, except as provided in the following section, offer the new shares proportionately to its stockholders at such price, not less than the par value thereof, as may be determined by its directors. The vote of the board of gas and electric light commissioners, as provided in section twenty-four of chapter one hundred and nine of the Revised Laws, as to the amount of stock which is reasonably necessary for the purpose for which

Issue of new stock by gas and electric light companies, etc.

such increase has been authorized shall be based on the price fixed as hereinbefore provided, unless the board is of opinion that such price is so low as to be inconsistent with the public interest, in which case it may determine the price at which such shares may be issued.

Shares may be sold by auction in certain cases, etc.

SECTION 2. If the increase in the capital stock which is subject to the provisions of the preceding section does not exceed four per cent of the existing stock of the company, the directors, without first offering the same to the stockholders, may sell the shares by auction or by tender to the highest bidder in such manner, at such times and upon such terms, not less than the par value thereof to be actually paid in cash, as the directors shall determine. They shall also so sell at public auction any shares which, under the preceding section remain unsubscribed for by the stockholders entitled to take them. Such shares shall be offered for sale in the city of Boston or in such other city or town as may be prescribed by the board of gas and electric light commissioners, and notice of the time and place of the sale shall be published at least five times, during the ten days immediately preceding the sale, in each of at least three of such daily newspapers as may be prescribed by the said commissioners. No shares shall be sold or issued under this or the preceding section for a less amount to be actually paid in cash than the par value thereof.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed so far as they apply to the corporations described in this act.

SECTION 4. This act shall take effect upon its passage.

*Approved June 7, 1909.*

*Chap. 478* AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, except as hereinafter provided, for the purposes specified, to wit:—



For an investigation and a report by the tax commissioner of the exemption from taxation of the property of educational and public institutions, as authorized by chapter sixty-six of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

Exemption from taxation of certain property.

For expenses in connection with the Mount Sugar Loaf state reservation, as authorized by chapter seventy of the resolves of the present year, the sum of eight hundred and twenty-nine dollars.

Mount Sugar Loaf State reservation.

To provide for additional equipment for The Bradford Durfee Textile School of Fall River, as authorized by chapter seventy-three of the resolves of the present year, the sum of ten thousand dollars.

The Bradford Durfee Textile School of Fall River.

For The Bradford Durfee Textile School of Fall River, as authorized by chapter seventy-four of the resolves of the present year, the sum of twenty-five thousand dollars.

Same subject.

For the Lowell textile school, as authorized by chapter seventy-five of the resolves of the present year, the sum of thirty-five thousand dollars.

Lowell textile school.

For Thomas Gavin, as authorized by chapter seventy-six of the resolves of the present year, a sum not exceeding two hundred dollars.

Thomas Gavin.

To provide for improvements at the Massachusetts state sanatorium, as authorized by chapter seventy-seven of the resolves of the present year, a sum not exceeding nineteen thousand four hundred dollars.

Massachusetts state sanatorium.

To provide for a study of the traffic and methods of accounting of the New England Telephone and Telegraph Company, as authorized by chapter seventy-eight of the resolves of the present year, a sum not exceeding thirty-five thousand dollars.

New England Telephone and Telegraph Company.

To provide for certain improvements at the Westborough insane hospital, as authorized by chapter seventy-nine of the resolves of the present year, a sum not exceeding sixty-four thousand six hundred dollars.

Westborough insane hospital.

To provide for improvements in water and sewerage at the Medfield insane asylum, as authorized by chapter eighty of the resolves of the present year, a sum not exceeding fourteen thousand dollars.

Medfield insane asylum.

To provide for completing the sewerage system at the Taunton insane hospital, as authorized by chapter eighty-one of the resolves of the present year, a sum not exceeding sixty-eight hundred dollars.

Taunton insane hospital.

Susanna  
Carney.

For Susanna Carney, as authorized by chapter eighty-six of the resolves of the present year, the sum of one hundred and thirty-five dollars.

Widow and  
children of  
William  
Mateer.

For the widow and children of William Mateer, as authorized by chapter eighty-seven of the resolves of the present year, the sum of two hundred and twenty-five dollars, to be paid out of the Metropolitan Parks Maintenance Fund.

Farrell and  
Conaton.

For Farrell and Conaton, of Lowell, as authorized by chapter eighty-eight of the resolves of the present year, the sum of seventy-nine dollars and seventy-two cents.

New Bedford  
textile school.

For the New Bedford textile school, as authorized by chapter ninety-one of the resolves of the present year, the sum of forty-seven thousand dollars.

Normal school  
at Fitchburg.

To provide for furnishing the manual arts building and for other improvements at the state normal school building at Fitchburg, as authorized by chapter ninety-two of the resolves of the present year, a sum not exceeding seventeen thousand five hundred dollars.

Penikese  
island.

To provide for a survey of the entrance to Penikese island, as authorized by chapter ninety-three of the resolves of the present year, a sum not exceeding three hundred dollars.

Bertha M.  
Guenther.

For the payment of an annuity to Bertha M. Guenther, as authorized by chapter ninety-five of the resolves of the present year, the sum of one hundred and sixty-five dollars.

John T.  
Lynch.

For John T. Lynch, as authorized by chapter ninety-six of the resolves of the present year, the sum of five hundred dollars, to be paid out of the Charles River Basin Loan Fund.

Massachusetts  
hospital for  
epileptics.

To provide for certain improvements at the Massachusetts hospital for epileptics, as authorized by chapter ninety-seven of the resolves of the present year, a sum not exceeding five thousand dollars.

Lyman school  
for boys.

To provide for certain improvements at the Lyman school for boys, as authorized by chapter ninety-eight of the resolves of the present year, a sum not exceeding ninety-five hundred and fifty dollars.

Massachusetts  
School for the  
Feeble-  
Minded.

To provide for certain improvements at the Massachusetts School for the Feeble-Minded, as authorized by chapter ninety-nine of the resolves of the present year, a sum not exceeding eleven thousand five hundred dollars.

To provide for certain improvements at the state colony for the insane, as authorized by chapter one hundred of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

State colony  
for the  
insane.

To provide for improvements at the Wrentham state school, as authorized by chapter one hundred and one of the resolves of the present year, a sum not exceeding twenty-six thousand two hundred dollars.

Wrentham  
state school.

For expenses in connection with the watershed of the Charles river basin in the city of Boston, as authorized by chapter two hundred and forty-seven of the acts of the present year, a sum not exceeding eighteen hundred dollars.

Charles river  
basin.

For additional clerical assistance for the register of probate for the county of Franklin, as authorized by chapter three hundred and thirty-one of the acts of the present year, a sum not exceeding four hundred dollars.

Register of  
probate,  
county of  
Franklin.

For additional clerical assistance for the register of probate and insolvency for the county of Middlesex, as authorized by chapter three hundred and fifty-three of the acts of the present year, a sum not exceeding five hundred dollars, the same to be in addition to the amount now allowed by law.

Register of  
probate,  
county of  
Middlesex.

To provide for an investigation of the water power of the commonwealth and to determine the best methods of utilizing the same, as authorized by chapter three hundred and fifty-nine of the acts of the present year, a sum not exceeding five thousand dollars.

Water power  
of the com-  
monwealth.

To carry out the provisions of chapter three hundred and seventy-one of the acts of the present year, being "An Act to provide for a bureau of statistics", the balance standing to the credit of the salary of the second clerk in the bureau of statistics of labor and the salaries of the two special agents, provided for by chapter fifty-eight of the acts of the present year, from and after the first day of June shall be transferred to the appropriation for additional clerical assistance provided for by said chapter fifty-eight.

Bureau of sta-  
tistics, certain  
appropriations  
transferred.

To provide for additional clerical assistance for the register of probate and insolvency for the county of Worcester, as authorized by chapter three hundred and eighty-four of the acts of the present year, a sum not exceeding eighteen hundred dollars, the same to be in addition to the amount now allowed by law.

Register of  
probate,  
county of  
Worcester.

Boiler inspection department of the district police.

For the compensation of certain clerks in the boiler inspection department of the district police, as authorized by chapter four hundred and ten of the acts of the present year, a sum not exceeding one hundred dollars.

Inspection department of the district police.

For the compensation of an additional member of the district police to serve as an inspector of factories, a sum not exceeding seven hundred and fifty dollars, and for travelling expenses of said inspector, a sum not exceeding two hundred and fifty dollars, as authorized by chapter four hundred and thirteen of the acts of the present year, the same to be in addition to any amounts heretofore appropriated for this purpose.

Breeding of poultry.

To encourage and improve the breeding of poultry, as provided for by chapter four hundred and twenty-eight of the acts of the present year, a sum not exceeding one thousand dollars.

First clerk, tax commissioner.

For the salary of the first clerk in the department of the tax commissioner, as authorized by chapter four hundred and thirty of the acts of the present year, the sum of two hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Assistant register of probate, county of Worcester.

For the salary of the assistant register of probate and insolvency for the county of Worcester, as authorized by chapter four hundred and thirty-one of the acts of the present year, a sum not exceeding four hundred and fifty dollars.

Additional fire inspector, etc.

To provide for the compensation of an additional fire inspector in the detective department of the district police, a sum not exceeding seven hundred and fifty dollars, and for the travelling expenses of said inspector, a sum not exceeding two hundred and fifty dollars, as authorized by chapter four hundred and thirty-two of the acts of the present year, the same to be in addition to any amount heretofore appropriated for this purpose.

Investigation of fires.

For special services and expenses of persons employed under the direction of the deputy chief of the detective department for the investigation of fires, including witness fees, travelling, contingent and incidental expenses, a sum not exceeding seven hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

State industrial school for girls, improvements.

To provide for certain improvements at the state industrial school for girls, as authorized by chapter one hun-

dred and five of the resolves of the present year, a sum not exceeding thirty-three thousand eight hundred dollars.

For improving the sewerage system at the state industrial school for girls, as authorized by chapter one hundred and six of the resolves of the present year, a sum not exceeding six thousand dollars.

Sewerage system.

To provide for certain improvements at the state hospital, as authorized by chapter one hundred and seven of the resolves of the present year, a sum not exceeding forty-five thousand dollars.

State hospital.

For certain improvements and for the purchase of land and the erection of buildings at the Massachusetts Agricultural College, a sum not exceeding one hundred and twenty-eight thousand five hundred dollars, as authorized by chapter one hundred and nine of the resolves of the present year.

Massachusetts Agricultural College.

For the care and maintenance of boulevards and parkways, a sum not exceeding seven hundred dollars, the same to be in addition to any amount heretofore authorized for the same purpose, one half the amount to be paid out of the current revenue and one half to be assessed upon the metropolitan district, as authorized by chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine.

Boulevards and parkways.

SECTION 2. This act shall take effect upon its passage.

*Approved June 9, 1909.*

AN ACT TO AUTHORIZE THE TOWN OF FRAMINGHAM TO PROCURE AND USE ELECTRICITY FOR CERTAIN MUNICIPAL PURPOSES.

*Chap. 479*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Framingham is hereby authorized to erect, maintain and use poles, wires and other fixtures, appliances and apparatus in, under, over and upon any lands, public ways or lanes therein for the transmission of electricity generated by it or purchased from any person, firm or corporation now or hereafter authorized by law to distribute and sell electricity in said town, the same to be used in its water works and sewage disposal pumping stations, and for the purification of its sewage and water supply, but for no other purpose: *provided, however,* that no such poles, wires, fixtures, appliances or

The town of Framingham to erect, etc., poles and other fixtures.

Proviso.



Authority to generate electricity to be subject to vote of the town, etc.

May take and hold lands, etc.

apparatus shall be erected or maintained in, under, over or upon any lands belonging to the commonwealth or subject to the jurisdiction of the metropolitan water and sewerage board. The authority to generate electricity for the purposes of this act shall only be exercised after the affirmative vote of two thirds of the voters present and voting thereon at each of two town meetings called for the purpose and held at intervals of not less than two nor more than four months. Nothing herein contained shall authorize said town to acquire a plant for the manufacture or distribution of electricity for other municipal uses or for the use of its inhabitants, save upon the proceeding required by and subject to the provisions of chapter thirty-four of the Revised Laws and all amendments thereof now or hereafter enacted. The said town, for the purpose aforesaid, may take, or acquire by purchase or otherwise, and hold such lands, easements and rights of way as may be needed therefor. Such taking shall be in the manner provided by chapter two hundred and six of the acts of the year eighteen hundred and ninety-three, and the town shall be liable for all damages to property sustained by any person or corporation by reason of any taking or other act made or done under authority hereof.

SECTION 2. This act shall take effect upon its passage.

*Approved June 9, 1909.*

**Chap. 480** AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE CITIES OF HOLYOKE AND NORTHAMPTON.

*Be it enacted, etc., as follows:*

Boundary line between the cities of Holyoke and Northampton established.

SECTION 1. So much of the city of Northampton as lies within the following described lines, to wit:—Beginning at the corner of Holyoke, Northampton and South Hadley, an unmarked point in the middle of the Connecticut river, thence south, eighty-eight degrees forty minutes west, true bearing, about one thousand one hundred and twenty feet to the witness mark, a dressed granite monument, standing on the ledge on the western shore of the river about seventy-five feet east of the point where the Boston and Maine railroad passes through a cut in the ledge; thence, in the same direction, nine thousand three hundred and fifty-eight feet to the corner of Easthampton, Holyoke and Northampton, a sandstone monument, stand-

ing in a pile of stones in a thick growth of woods on a summit of an elevation of the Mount Tom range; thence north, nineteen degrees twenty-six minutes east, true bearing, seventeen thousand eight hundred and fifty-seven feet to a granite monument standing on the steep northwesterly slope of a heavily wooded summit of the Mount Tom range, about three hundred and twenty-five feet east of an old road which runs along the westerly side of the range; thence north, fifty-two degrees fifteen minutes east, true bearing, seven thousand one hundred and twenty-eight feet to the witness mark at the corner of Easthampton, Hadley and Northampton, a rough sandstone monument, standing about two hundred feet west of the west bank of the Connecticut river, on the easterly side of the street about six hundred and seventy-five feet southeasterly from the crossing at Mount Tom depot on the Boston and Maine railroad; thence in the same direction, about five hundred and thirty feet to the true corner in the middle of the Connecticut river; thence southerly along the middle of the river, to the point of beginning, with all the inhabitants and estates therein,—is hereby set off from the city of Northampton and annexed to and made a part of the city of Holyoke, and said inhabitants shall hereafter be inhabitants of the city of Holyoke and of the county of Hampden, and shall constitute a part of the seventh ward of the city of Holyoke until a new division of the wards of the city is made, and said territory is hereby set off from the county of Hampshire and annexed to and made a part of the county of Hampden.

Boundary line between the cities of Holyoke and Northampton established.

SECTION 2. The inhabitants and the estates within the territory hereby annexed to the city of Holyoke, and the owners of said estates, shall pay to the city of Northampton all arrearages of taxes which have been or shall be legally assessed upon them before this act takes effect, and also, until the next state valuation, such proportion of the state and county taxes as may legally be incumbent upon them to pay. And said taxes may be collected in the same manner as if the territory hereby annexed to the city of Holyoke still remained a part of the city of Northampton.

Payment of arrearages of taxes, etc.

SECTION 3. The city of Holyoke shall be liable for the support of all persons who now stand or shall hereafter stand in need of relief as paupers, whose settlement was

Support of paupers, etc.

gained, whether by original acquisition or derivation, or in any other manner, within the territory hereby annexed to the city of Holyoke.

Election districts.

List of persons qualified to vote to be posted, etc.

SECTION 4. The inhabitants of the territory hereby annexed to the city of Holyoke shall continue to be a part of the city of Northampton for the purpose of electing members of the executive council, senators and representatives in the general court, electors of president and vice president of the United States and representatives in congress, until otherwise apportioned by law. The registrars of voters of the city of Holyoke shall annually make a true list of the persons residing in said territory qualified to vote at every such election, and shall post the same in said territory according to law, and the inhabitants resident therein qualified to vote shall be entitled to vote for said officers, and their eligibility to election to any such offices shall not be affected by this act until the inhabitants of said territory shall otherwise be apportioned according to law. They shall also deliver one of such lists, corrected as required by law, to the mayor and aldermen of the city of Northampton seven days at least before any such election, and the same shall be taken and used for such election in the same manner as if it had been prepared by the registrars of voters of the city of Northampton; and said inhabitants in said territory qualified to vote may cast their ballots at the place or places which may be prescribed by the mayor and aldermen of the city of Northampton.

Rights, etc., to school property.

SECTION 5. Within three months after the passage of this act the city of Northampton shall execute and deliver to the city of Holyoke a good and sufficient deed of conveyance to the city of Holyoke of all the right, title and interest, if any, now owned by the city of Northampton in and to the school property in said territory hereby annexed, and of all the right, title and interest, if any, now owned by it in and to the cemetery and its appurtenances in said territory.

Expense of construction of state road, so-called.

SECTION 6. The city of Holyoke shall pay to the county of Hampshire the sum of seven thousand dollars as full compensation for the amount which the county of Hampshire may have expended within the four years last past in the construction of the state road, so-called, within the territory hereby annexed.

SECTION 7. Within one year from the passage of this act the city of Holyoke shall pay to the city of Northampton the sum of forty-five thousand dollars, unless the city of Northampton within thirty days after the passage of this act shall determine by a majority vote of each branch of its city council that it will not accept said sum. If the city of Northampton shall so determine the superior court shall, upon petition by the city of Northampton, filed within thirty days after the passage of such vote and after a reasonable notice to the city of Holyoke, appoint three persons as a commission to hear the parties and determine the amount of additional compensation, if any, that the city of Northampton is entitled to receive from the city of Holyoke by reason of the annexation of the said territory to the city of Holyoke. The award of said commissioners, or a majority thereof, when returned to said court and after due hearing thereon, and after final determination of the questions of law which may have been raised before said commission and said court, shall be accepted by the court and shall be final; but the court shall have power for proper cause shown to set aside such award and to recommit it to the commissioners or to remove said commissioners and appoint others in their stead, and the court after such acceptance shall have power to render judgment or to make any order or decree upon said award, to issue execution or any other proper process to enforce said judgment, decree or order.

Payment of a certain sum to the city of Northampton, etc.

SECTION 8. For the purpose of raising the sums to be paid under the two preceding sections the city of Holyoke is hereby authorized to issue negotiable bonds, to be signed by the treasurer and countersigned by the mayor of the city, to an amount not exceeding eighty-two thousand dollars, bearing interest not exceeding four per cent per annum, payable semi-annually, the principal to be paid at periods of not more than twenty years from the respective issues of said bonds. The city may sell such bonds or any part thereof from time to time at public or private sale, but the same shall not be sold for less than their par value. The city council shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act, and thereafter, without further action of the city council, the

The city of Holyoke may issue bonds, etc.

amount required for such payments shall annually be assessed by the assessors of the city in the same manner in which other taxes are assessed, until the debt so incurred is extinguished.

Jurisdiction of courts.

SECTION 9. The several courts within the county of Hampden, after this act takes effect, shall have the same jurisdiction over all causes and proceedings in civil causes, and over all matters in probate and insolvency, which shall have accrued within the territory hereby annexed, which said courts now have over like proceedings, causes and actions within the county of Hampden: *provided*, that the several courts within the county of Hampshire shall have and retain jurisdiction of all causes, proceedings and matters that shall have rightfully been begun in said courts prior to the time when this act takes effect; and the superior court within the county of Hampden and the police court of the city of Holyoke shall, after this act takes effect, have the same jurisdiction of all crimes, offences and misdemeanors committed within the territory hereby annexed which they now exercise over crimes, offences and misdemeanors committed in their respective jurisdictions. All suits, actions, proceedings, complaints, indictments and prosecutions, and all matters of probate and insolvency, which shall be pending within said territory before any court, commission or justice of the peace when this act takes effect, shall be heard and determined as though this act had not been passed.

Proviso.

Pending cases to be continued.

SECTION 10. This act shall take effect upon its passage.

*Approved June 9, 1909.*

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**Chap. 481** AN ACT RELATIVE TO THE IMPROVEMENT AND PROTECTION OF RIVERS, HARBORS, TIDEWATERS AND FORESHORES.

*Be it enacted, etc., as follows:*

Improvement, etc., of rivers, harbors, etc.

SECTION 1. The board of harbor and land commissioners is hereby authorized and directed to undertake such work for the improvement, development, maintenance and protection of rivers, harbors, tidewaters and foreshores within the commonwealth as it may deem to be reasonable and proper, and for this purpose shall have the same powers conferred upon it by section nine of chapter ninety-six of the Revised Laws, and may expend



during the years nineteen hundred and ten, nineteen hundred and eleven and nineteen hundred and twelve, a sum not exceeding three hundred thousand dollars. The board shall not expend more than one hundred thousand dollars in any one year: *provided, however*, that an unexpended balance in any year may be used in the succeeding year for the said purpose.

Proviso.

SECTION 2. In selecting the places where the said sum shall be expended, the board shall consider the general public advantage of the proposed work, the local interest therein as manifested by municipal or other contributions therefor, the importance of the industrial or commercial and other interests to be especially served thereby, and any other material considerations affecting the feasibility, necessity or advantage of the proposed work or the expenditure therefor. No work authorized by this act shall be begun until after a public hearing has been held and a survey and an estimate of the cost has been made.

Public advantage to be considered in making improvements.

SECTION 3. A city or town may appropriate money for the improvement of rivers, harbors, tidewaters and foreshores within its jurisdiction, and the money so appropriated shall be paid to the treasurer and receiver general and shall be expended by the board of harbor and land commissioners for said purposes within the limits of such city or town; and the city or town may also assume liability for all damages to property suffered by any person by any taking of land, or of any right, interest or easement in land within the city or town made by said board for the purposes hereinbefore authorized.

Cities and towns may make appropriations, etc.

SECTION 4. This act shall take effect on the first day of January in the year nineteen hundred and ten, but shall not affect any act or resolve heretofore passed with relation to any work to be performed by said board or any appropriation therefor.

When to take effect.

*Approved June 9, 1909.*

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AN ACT TO PROVIDE FOR IMPROVING THE BRIDGE OVER THE OUTLET OF STRAITS POND IN THE TOWNS OF HINGHAM, COHASSET AND HULL.

*Chap. 482*

*Be it enacted, etc., as follows:*

SECTION 1. The county commissioners of the counties of Plymouth and Norfolk are hereby authorized and directed to widen and improve the bridge over the outlet of

Bridge over the outlet of "Straits pond," to be widened, etc.

“ Straits pond ”, so-called, between the town of Hull on the north, and the towns of Cohasset and Hingham on the south.

Taking of land,  
etc.

SECTION 2. The said commissioners are hereby authorized to take such land lying along the highway adjacent to and approaching said bridge in any or all of the said towns as in their judgment may be necessary to give proper approaches to the bridge, damages for which shall be awarded as in the case of land taken for laying out a highway. Suits for said damages may be brought against and within the county in which the land so taken lies.

Apportion-  
ment of cost,  
etc.

SECTION 3. The cost of improving the said bridge, including therein the cost to the street railway company of changing its railway and locations to conform with the requirements of the county commissioners, shall be paid as follows:— Fifty-six and two thirds per cent thereof by the county of Plymouth as hereinafter provided, twenty-eight and one third per cent by the county of Norfolk as hereinafter provided, and fifteen per cent by the Old Colony Street Railway Company, but the sum to be paid by the said company shall not exceed two thousand dollars. The whole expense shall not exceed twenty thousand dollars. The said commissioners shall apportion the amount to be paid by the said counties among the cities and towns thereof in accordance with benefit to be received by each city and town, and shall add the same to the county tax of each city and town.

The Old Col-  
ony Street  
Railway may  
relay and  
maintain its  
tracks, etc.

SECTION 4. Said street railway company may relay and maintain upon said bridge, and the approaches thereto, its street railway, and may make the necessary connection thereof with its existing railway, and may, at any time after the completion of the work authorized hereby construct and maintain a double track street railway, with the necessary and usual poles and overhead wires upon and over said bridge and approaches, under such terms and conditions as the railroad commissioners, after a hearing, shall impose, and may connect the same at each end with its existing railway. Said county commissioners shall, upon petition of the said company, designate the exact location of the track or tracks, poles and other appliances necessary for the construction, mainte-

nance and operation of said railway. If any location of said company shall hereafter be changed or revoked, under authority of law, without its consent, in such manner as in the opinion of the railroad commissioners, will render impossible or unprofitable the exercise of the privilege granted by this section, the amount actually paid by said company shall be ascertained by the railroad commissioners and certified to the treasurers of said counties, who shall repay the same to the company in the proportions of two thirds from the county of Plymouth and one third from the county of Norfolk.

The company to be reimbursed in case of change or revocation of location.

SECTION 5. This act shall take effect upon its passage.

*Approved June 10, 1909.*

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AN ACT RELATIVE TO THE INSPECTION OF ILLUMINATING  
GAS AND GAS METERS.

*Chap. 483*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter fifty-eight of the Revised Laws is hereby amended by striking out section nine and inserting in place thereof the following: — *Section 9.* Every gas light company with a capital paid in of one hundred thousand dollars or more, and every other gas light company if required by the board of gas and electric light commissioners, and all makers and vendors of meters shall set up at some convenient place upon their premises one or more meter provers of a size and type approved by the board and tested and calibrated by the board, by means of which meters may be tested. A meter shall not be stamped correct if it varies more than two per cent from the standard measure. The board shall keep a correct record of all meters examined by its inspectors with their proof at the time of inspection, which shall be open at all times for examination by the officers of any gas light company in the commonwealth.

R. L. 58, § 9, amended.

Certain gas light companies to provide meter provers, etc.

SECTION 2. Said chapter fifty-eight is hereby further amended by striking out section thirteen and inserting in place thereof the following: — *Section 13.* Every gas light company which annually manufactures or sells more than fifteen million cubic feet of gas shall, when required by the board of gas and electric light commissioners, provide and maintain a suitable room at least a quarter of

R. L. 58, § 13, amended.

Disc photometers to be provided, etc.

a mile from the gas works with a disc photometer and its appurtenances of a construction approved by the board, which shall be open to the inspector and assistant inspectors on every working day from eight o'clock in the morning until six o'clock in the afternoon.

R. L. 58, § 14,  
amended.

SECTION 3. Section fourteen of said chapter fifty-eight, as amended by section one of chapter four hundred and sixty-four of the acts of the year nineteen hundred and three, is hereby further amended by striking out said section and inserting in place thereof the following:—

Inspection of  
gas, etc.

*Section 14.* The gas of every company which supplies more than fifty consumers, except gas made and used exclusively for heating, cooking, chemical and mechanical purposes, shall be inspected at least twice a year and as much oftener as the board of gas and electric light commissioners may determine. The gas shall be tested for illuminating power by means of a disc photometer and, during such test, shall be burned from the burner best adapted to it, which is at the same time suitable for domestic use, and at as near the rate of five feet an hour as is practicable. The board of gas and electric light commissioners shall, for the purpose of establishing a standard of purity for gas, and after a public hearing, determine how many grains of sulphur and ammonia per hundred cubic feet of gas may be permitted, and the board shall have power to change such standards from time to time, after a public hearing; but not more than thirty grains of sulphur per hundred cubic feet and no sulphuretted hydrogen shall be allowed.

Penalty in case  
gas is below  
standard, etc.

If the gas of any gas company or of any city or town supplying gas is found on three consecutive inspections, or on three inspections made within a period of thirty consecutive days, to give less light than sixteen standard English candles, or upon such averaging of inspections as the board may prescribe, to be below the standard of purity fixed under this act, unless such defect is in the opinion of the board due to unavoidable cause or accident, a fine of one hundred dollars shall be paid by such company, city or town into the treasury of the commonwealth.

Variations in  
candle power.

If during the test the consumption of gas varies from five feet an hour, or the candle from one hundred and twenty grains an hour, a proportionate correction shall be made for the candle power. Upon such complaint and

after such notice and hearing as are provided for by section thirty-four of chapter one hundred and twenty-one of the Revised Laws the board may require a company to supply such gas as will give, when tested in the manner prescribed in this section, a light equivalent to such number of standard English candles, not less than sixteen, as said board may determine.

SECTION 4. Said chapter fifty-eight is hereby further amended by striking out section nineteen and inserting in place thereof the following: — *Section 19.* The provisions of this chapter shall apply to all persons, corporations and municipalities which manufacture or distribute gas for sale and the terms “gas company” and “gas light company” shall be construed as including all persons, companies and municipalities owning or operating works for the manufacture and sale of gas for heating or illuminating purposes.

R. L. 58, § 19,  
amended.

Application of  
act.

SECTION 5. Chapter two hundred and twenty-eight of the acts of the year nineteen hundred and two is hereby amended by striking out section three and inserting in place thereof the following: — *Section 3.* Said inspectors, subject to the rules and regulations prescribed by the board of gas and electric light commissioners, shall make the inspections of gas required by section fourteen of chapter fifty-eight of the Revised Laws, and shall inspect, examine, ascertain and prove the accuracy of all meters which are to be used for measuring illuminating gas and are to be furnished to or for the use of any consumer or company, and shall seal, stamp or mark every such meter, if it be found correct, with some suitable device which shall be determined by the board and recorded in the office of the secretary of the commonwealth. They shall also perform such other duties and make such reports of their doings as the said board may require.

1902, 228, § 3,  
amended.

Powers and  
duties of  
inspectors.

SECTION 6. Said chapter two hundred and twenty-eight is hereby further amended by striking out section four and inserting in place thereof the following: — *Section 4.* The board may from time to time, if in its opinion such action is necessary, appoint one or more deputy inspectors of meters for such term not exceeding one year and at such compensation as the board may determine. Any person now in the service of the board as a deputy inspector of meters may be so appointed or employed with-

1902, 228, § 4,  
amended.

Deputy in-  
spectors, ap-  
pointment,  
duties, etc.



out civil service examination. Such deputy inspectors of meters shall be sworn, shall act under the direction of said board, shall not be connected with or employed by any gas company, and from their decisions the gas company or the consumer may appeal to the board.

1902, 228, § 5,  
amended.

Fees.

SECTION 7. Said chapter two hundred and twenty-eight is hereby further amended by striking out section five and inserting in place thereof the following:—*Section 5.* For examining, comparing and testing meters, with or without stamping them, the board may collect a fee of twenty-five cents for each meter delivering not more than a cubic foot of gas in four revolutions, vibrations or complete repetitions of its action, and for each meter so delivering more than a cubic foot, a fee of thirty cents with twenty cents added for every additional cubic foot so delivered. For examining, comparing, testing or calibrating meter provers and test or photometer meters, with or without sealing or certifying to the same, the board may collect such fees as it may from time to time establish therefor. The board shall designate one of its members to receive all fees, who shall give a bond to the treasurer and receiver general in the penal sum of five thousand dollars.

1902, 228, § 6,  
amended.

Compensation  
of inspectors,  
etc.

SECTION 8. Said chapter two hundred and twenty-eight is hereby further amended by striking out section six and inserting in place thereof the following:—*Section 6.* Except as provided in chapter five hundred and thirty-six of the acts of the year nineteen hundred and eight, the salary of the inspector of gas and gas meters shall be twenty-five hundred dollars a year and the board may expend annually for the compensation of assistant inspectors and deputy inspectors of meters and for necessary apparatus, travelling expenses, office rent and expenses, and for other necessary expenses incidental to the duties of said inspectors such sums of money as may from time to time be appropriated therefor by the legislature.

When to take  
effect.

SECTION 9. This act shall take effect on the first day of July in the year nineteen hundred and nine.

*Approved June 10, 1909.*

AN ACT RELATIVE TO THE DISTRIBUTION OF THE ATLASES OF THE BOUNDARY LINES OF THE CITIES AND TOWNS OF THE COMMONWEALTH. *Chap. 484*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter three hundred and sixty of the acts of the year nineteen hundred is hereby amended by striking out the words "The commissioners on the topographical survey and map of Massachusetts", in the first and second lines, and inserting in place thereof the words:— The harbor and land commissioners, — and by inserting after the word "survey", in the twelfth line, the words:— and one copy each to the Boston Athenæum, the Boston Society of Civil Engineers, the land court, the United States Coast and Geodetic Survey, the United States Congressional Library, the Massachusetts highway commission, the Massachusetts Historical Society, the Massachusetts Agricultural College, — so as to read as follows:— *Section 1.* The harbor and land commissioners are hereby directed to make the following disposition of the atlases of the boundary lines of the various cities and towns in the commonwealth:— As soon as the atlas of a city or town is published two copies shall be delivered to the city or town clerk for the use of the city or town officers, one copy to each public library in the city or town, one copy to the secretary of the commonwealth, one copy to the state library, one copy to the commissioner of public records, one copy to the Boston public library, one copy to the United States Geological Survey, and one copy each to the Boston Athenæum, the Boston Society of Civil Engineers, the land court, the United States Coast and Geodetic Survey, the United States Congressional Library, the Massachusetts highway commission, the Massachusetts Historical Society, the Massachusetts Agricultural College, and ten copies shall be retained by the commissioners, to be distributed as they may deem best. The remainder shall be sold by said commissioners at such prices as may be fixed by them, the proceeds of such sales to be paid into the treasury of the commonwealth.

1900, 360, § 1,  
amended.

Distribution,  
etc., of atlases  
of boundary  
lines of cities  
and towns.

SECTION 2. This act shall take effect upon its passage.

*Approved June 10, 1909.*

*Chap.*485 AN ACT TO AUTHORIZE STREET RAILWAY COMPANIES TO  
ISSUE SECURITIES FOR SUPPLYING WORKING CAPITAL.

*Be it enacted, etc., as follows:*

Street railway  
companies may  
issue securities  
to supply  
working  
capital.

SECTION 1. In addition to the purposes for which a street railway company may increase its capital stock or issue bonds, as provided in section one hundred and three of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, a street railway company for the purpose of supplying itself with working capital may, in accordance with the provisions of sections one hundred and seven, one hundred and eight, one hundred and ten, one hundred and eleven and one hundred and twelve of Part III of said chapter, or of chapter six hundred and thirty-six of the acts of the year nineteen hundred and eight, as amended by chapter three hundred and sixty-nine of the acts of the year nineteen hundred and nine, in the case of companies to which said last mentioned chapter is applicable, and of sections forty-eight to fifty-six, inclusive, of Part II of said chapter four hundred and sixty-three, increase its capital stock to an amount not exceeding five per cent of the par value of its capital stock then outstanding, or may issue bonds, secured by mortgage or otherwise, to an amount, beyond the amounts fixed and limited by its agreement of association, or by the provisions of any general or special law, and not more than the board of railroad commissioners shall determine will be properly required for such purpose, and as said board shall approve as being consistent with the interest of the public and of the stockholders of such company and as not unreasonably reducing the security of any bond previously issued.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1909.*

AN ACT RELATING TO THE ADMINISTRATION OF THE CITY OF BOSTON AND TO AMEND THE CHARTER OF THE SAID CITY. *Chap. 486*

*Be it enacted, etc., as follows:*

THE MAYOR AND CITY COUNCIL.

SECTION 1. The terms of office of the mayor and the members of both branches of the present city council of the city of Boston and of the street commissioner whose term would expire on the first Monday of January, nineteen hundred and ten, are hereby extended to ten o'clock A.M. on the first Monday of February, nineteen hundred and ten, and at that time the said city council and both branches thereof and the positions of city messenger, clerk of the common council, clerk of committees, assistant clerk of committees, and their subordinates shall be abolished. The officials whose terms of office are hereby extended shall, for the extended term, receive a compensation equal to one twelfth of the annual salaries now paid to them respectively. The mayor and city council elected in accordance with the provisions of this act, and their successors, shall thereafter have all the powers and privileges conferred, and be subject to all the duties and obligations imposed, by law upon the city council or the board of aldermen, acting as such or as county commissioners or in any capacity, except as herein otherwise provided. Wherever in this act the phrase "mayor and city council" appears, it shall be understood as meaning the mayor and city council acting on and after the first Monday of February, nineteen hundred and ten, under the provisions of this and the three following sections. The city council may, subject to the approval of the mayor, from time to time establish such offices, other than that of city clerk, as it may deem necessary for the conduct of its affairs, and at such salaries as it may determine, and abolish such offices or alter such salaries; and without such approval may fill the offices thus established and remove the incumbents at pleasure.

To amend the charter of the city of Boston.

SECTION 2. The mayor from time to time may make to the city council in the form of an ordinance or loan order filed with the city clerk such recommendations other

Mayor may make recommendations, except for school purposes, etc.

Mayor may make recommendations, except for school purposes, etc.

than for school purposes as he may deem to be for the welfare of the city. The city council shall consider each ordinance or loan order presented by the mayor and shall either adopt or reject the same within sixty days after the date when it is filed as aforesaid. If the said ordinance or loan order is not rejected within said sixty days it shall be in force as if adopted by the city council unless previously withdrawn by the mayor. Nothing herein shall prevent the mayor from again presenting an ordinance or loan order which has been rejected or withdrawn. The city council may originate an ordinance or loan order and may reduce or reject any item in any loan and, subject to the approval of the mayor, may amend an ordinance. All sales of land other than school lands, all appropriations for the purchase of land other than for school purposes, and all loans voted by the city council shall require a vote of two thirds of all the members of the city council; and shall be passed only after two separate readings and by two separate votes, the second of said readings and votes to be had not less than fourteen days after the first. No amendment increasing the amount of land to be sold or the amount to be paid for the purchase of land, or the amount of loans, or altering the disposition of purchase money or of the proceeds of loans shall be made at the time of the second reading and vote.

Appropriations to be met from taxes, etc.

SECTION 3. All appropriations, other than for school purposes, to be met from taxes, revenue, or any source other than loans shall originate with the mayor, who within thirty days after the beginning of the fiscal year shall submit to the city council the annual budget of the current expenses of the city and county, and may submit thereafter supplementary budgets until such time as the tax rate for the year shall have been fixed. The city council may reduce or reject any item, but without the approval of the mayor shall not increase, any item in, nor the total of a budget, nor add any item thereto, nor shall it originate a budget. It shall be the duty of the city and county officials, when requested by the mayor, to submit forthwith in such detail as he may require estimates for the next fiscal year of the expenditures of the department or office under their charge, which estimates shall be transmitted to the city council.



The city auditor may, with the approval in each instance of the mayor, at any time make transfers from the appropriation for current expenses of one division of a department to the appropriation for current expenses of any other division of the same department, and from the reserve fund to any appropriation for the current expenses of a department; and may also, with the approval of the mayor, at any time between December first and February first, make transfers from any appropriation to any other appropriation: *provided, however*, that no money raised by loan shall be transferred to any appropriation from income or taxes. He may also with such approval apply any of the income and taxes not disposed of in closing the accounts for the financial year in such manner as he may determine.

Transfers of appropriations.

Proviso.

SECTION 4. Every appropriation, ordinance, order, resolution and vote of the city council, except votes relating to its own internal affairs, shall be presented to the mayor, who shall make or cause to be made a written record of the time and place of presentation, and it shall be in force if he approves the same within fifteen days after it shall have been presented to him, or if the same is not returned by him with his objections thereto in writing within said period of fifteen days. If within said period said appropriation, ordinance, order, resolution, or vote is returned by the mayor to the city council by filing the same with the city clerk with his objections thereto the same shall be void. If the same involves the expenditure of money, the mayor may approve some of the items in whole or in part and disapprove other of the items in whole or in part; and such items or parts of items as he approves shall be in force, and such items or parts of items as he disapproves shall be void.

Appropriations, ordinances, etc., to be presented to the mayor for approval, etc.

SECTION 5. Except as otherwise provided in this act, the organization, powers, and duties of the executive departments of the city shall remain as constituted at the time when this section takes effect; but the mayor and city council at any time may by ordinance reorganize, consolidate, or abolish departments in whole or in part; transfer the duties, powers, and appropriations of one department to another in whole or in part; and establish new departments; and may increase, reduce, establish or abolish salaries of heads of departments, or members of

Present organization to continue in force, etc.

boards. Nothing in this act shall authorize the abolition or the taking away of any of the powers or duties as established by law of the assessing department, building department, board of appeal, children's institutions department, election department, fire department, Franklin Foundation, hospital department, library department, overseers of the poor, schoolhouse department, school committee, or any department in charge of an official or officials appointed by the governor, nor the abolition of the health department.

Contracts.

SECTION 6. No contract for lighting the public streets, parks, or alleys, or for the collection, removal, or disposal of refuse, extending over a period of more than one year from the date thereof, shall be valid without the approval of the mayor and the city council after a public hearing held by the city council, of which at least seven days' notice shall have been given in the City Record.

Mayor may give specific information, upon request, etc.

SECTION 7. The city council at any time may request from the mayor specific information on any municipal matter within its jurisdiction, and may request his presence to answer written questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt of said questions, in which case the mayor shall personally, or through a head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The mayor at any time may attend and address the city council in person or through the head of a department, or a member of a board, upon such subject as he may desire.

Members of city government not to be interested in contracts, etc.

SECTION 8. Neither the city council, nor any member or committee, officer, or employee thereof shall, except as otherwise provided in this act, directly or indirectly on behalf of the city or of the county of Suffolk take part in the employment of labor, the making of contracts, the purchase of materials, supplies or real estate; nor in the construction, alteration, or repair of any public works, buildings, or other property; nor in the care, custody, and management of the same; nor in the conduct of the executive or administrative business of the city or county; nor in the appointment or removal of any municipal or county employee; nor in the expenditure of public money

except such as may be necessary for the contingent and incidental expenses of the city council. The provisions of this section shall not affect the powers or duties of the city council as the successor of the present board of aldermen relative to state or military aid and soldiers' relief.

It shall be unlawful for the mayor or for a member of the city council or for any officer or employee of the city or of the county of Suffolk or for a member of the finance commission directly or indirectly to make a contract with the city or with the county of Suffolk, or to receive any commission, discount, bonus, gift, contribution or reward from or any share in the profits of any person or corporation making or performing such contract, unless such mayor, member of the city council, officer, or employee or member of the finance commission immediately upon learning of the existence of such contract or that such contract is proposed, shall notify in writing the mayor, city council, and finance commission of such contract and of the nature of his interest in such contract and shall abstain from doing any official act on behalf of the city in reference thereto. In case of such interest on the part of an officer whose duty it is to make such contract on behalf of the city, the contract may be made by any other officer of the city duly authorized thereto by the mayor, or if the mayor has such interest by the city clerk: *provided, however*, that when a contractor with the city or county is a corporation or voluntary association, the ownership of less than five per cent of the stock or shares actually issued shall not be considered as being an interest in the contract within the meaning of this act, and such ownership shall not affect the validity of the contract, unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract.

A violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the city or county. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both. Chapter five hundred and twenty-two of the acts of the year nineteen hundred and eight is hereby repealed.

Same subject.

Proviso.

Penalty for violations of law.

Repeal.

## THE EXECUTIVE DEPARTMENT.

Executive department, appointment of members of, etc.

SECTION 9. All heads of departments and members of municipal boards, including the board of street commissioners, as their present terms of office expire (but excluding the school committee and those officials by law appointed by the governor), shall be appointed by the mayor without confirmation by the city council. They shall be recognized experts in such work as may devolve upon the incumbents of said offices, or persons specially fitted by education, training or experience to perform the same, and (except the election commissioners, who shall remain subject to the provisions of existing laws) shall be appointed without regard to party affiliation or to residence at the time of appointment except as hereinafter provided.

Certificate of appointment.

SECTION 10. In making such appointments the mayor shall sign a certificate in the following form:—

## CERTIFICATE OF APPOINTMENT.

I appoint (Name of Appointee) to the position of (Name of Office) and I certify that in my opinion he is a recognized expert in the work which will devolve upon him, and that I make the appointment solely in the interest of the city. Mayor.

Or in the following form, as the case may be:—

## CERTIFICATE OF APPOINTMENT.

I appoint (Name of Appointee) to the position of (Name of Office) and I certify that in my opinion he is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interest of the city. Mayor.

Copy of certificate to be filed with the civil service commission, etc.

The certificate shall be filed with the city clerk, who shall thereupon forward a certified copy to the civil service commission. The commission shall immediately make a careful inquiry into the qualifications of the nominee under such rules as they may, with the consent of the governor and council, establish, and, if they conclude that he is a competent person with the requisite qualifications, they shall file with the city clerk a certificate signed by at least a majority of the commission that they have made

a careful inquiry into the qualifications of the appointee, and that in their opinion he is a recognized expert, or that he is qualified by education, training or experience for said office, as the case may be, and that they approve the appointment. Upon the filing of this certificate the appointment shall become operative, subject however to all provisions of law or ordinance in regard to acceptance of office, oath of office, and the filing of bonds. If the commission does not within thirty days after the receipt of such notice file said certificate with the city clerk the appointment shall be void.

SECTION 11. The civil service commission is authorized to incur in carrying out the foregoing provisions such reasonable expense as may be approved by the governor and council; the same to be paid by the commonwealth, which upon demand shall be reimbursed by the city of Boston.

Expenses, etc., of civil service commission.

SECTION 12. A vacancy in any office to which the provisions of section nine of this act apply, shall be filled by the mayor under the provisions of said section and pending a permanent appointment he shall designate some other head of a department or member of a board to discharge the duties of the office temporarily.

Vacancy in office.

SECTION 13. Members of boards shall be appointed for the terms established by law or by ordinance. Heads of departments shall be appointed for terms of four years beginning with the first day of May of the year in which they are appointed and shall continue thereafter to hold office during the pleasure of the mayor.

Terms of office, etc.

SECTION 14. The mayor may remove any head of a department or member of a board (other than the election commissioners, who shall remain subject to the provisions of existing laws) by filing a written statement with the city clerk setting forth in detail the specific reasons for such removal, a copy of which shall be delivered or mailed to the person thus removed, who may make a reply in writing, which, if he desires, may be filed with the city clerk; but such reply shall not affect the action taken unless the mayor so determines. The provisions of this section shall not apply to the school committee or to any official by law appointed by the governor.

Removal from office, etc.

SECTION 15. The positions of assistants and secretary authorized by section twenty of chapter four hundred and

Certain offices abolished.



forty-nine of the acts of the year eighteen hundred and ninety-five except those in the election department are hereby abolished, and except as aforesaid the said section is hereby repealed.

Civil service laws not to apply to certain appointments.

The civil service laws shall not apply to the appointment of the mayor's secretaries, nor of the stenographers, clerks, telephone operators and messengers connected with his office, and the mayor may remove such appointees without a hearing and without making a statement of the cause for their removal.

Expenditures not to exceed appropriations therefor.

SECTION 16. No official of said city, except in case of extreme emergency involving the health or safety of the people or their property, shall expend intentionally in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the city in any contract for the future payment of money in excess of such appropriation, except as provided in section six of this act. Any official who shall violate the provisions of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

Penalty.

#### THE FINANCE COMMISSION.

Finance commission, appointment, terms, etc.

SECTION 17. Within sixty days after the passage of this act the governor with the advice and consent of the council shall appoint a finance commission to consist of five persons, inhabitants of and qualified voters in the city of Boston, who shall have been such for at least three years prior to the date of their appointment, one for the term of five years, one for four years, one for three years, one for two years, and one for one year, and thereafter as the terms of office expire in each year one member for a term of five years. Vacancies in the commission shall be filled for the unexpired term by the governor with the advice and consent of the council. The members of said commission may be removed by the governor with the advice and consent of the council for such cause as he shall deem sufficient. The chairman shall be designated by the governor. His annual salary shall be five thousand dollars, which shall be paid in monthly instalments by the city of Boston. The other members shall serve without pay.

Vacancies.

SECTION 18. It shall be the duty of the finance commission from time to time to investigate any and all matters relating to appropriations, loans, expenditures, accounts, and methods of administration affecting the city of Boston or the county of Suffolk, or any department thereof, that may appear to the commission to require investigation, and to report thereon from time to time to the mayor, the city council, the governor, or the general court. The commission shall make an annual report in January of each year to the general court.

Duties, etc.

SECTION 19. Whenever any pay roll, bill, or other claim against the city is presented to the mayor, city auditor, or the city treasurer, he shall, if the same seems to him to be of doubtful validity, excessive in amount, or otherwise contrary to the city's interest, refer it to the finance commission, which shall immediately investigate the facts and report thereon; and pending said report payment shall be withheld.

Pay rolls, bills, etc., to be referred to the commission, etc.

SECTION 20. The said commission is authorized to employ such experts, counsel, and other assistants, and to incur such other expenses as it may deem necessary, and the same shall be paid by said city upon requisition by the commission, not exceeding in the aggregate in any year the sum of twenty-five thousand dollars, or such additional sums as may be appropriated for the purpose by the city council, and approved by the mayor. A sum sufficient to cover the salary of the chairman of the commission and the further sum of at least twenty-five thousand dollars to meet the expenses as aforesaid shall be appropriated each year by said city. The commission shall have the same right to incur expenses in anticipation of its appropriation as if it were a regular department of said city.

Employment of experts, etc.

SECTION 21. For the purpose of enabling the said commission to perform the duties and carry out the objects herein contemplated, and to enable the mayor, the city council, the governor or the general court to receive the reports and findings of said commission as a basis for such laws, ordinances, or administrative orders as may be deemed meet, the commission shall have all the powers and duties enumerated in chapter five hundred and sixty-two of the acts of the year nineteen hundred and eight and therein conferred upon the commission designated in said act; but counsel for any witness at any public hear-

Powers of civil service commission.

ing may ask him any pertinent question and may offer pertinent evidence through other witnesses subject to cross-examination by the commission and its counsel.

#### THE CITY CLERK.

City clerk,  
term, etc.

SECTION 22. The present city clerk shall hold office for the term for which he has been elected, and thereafter until his successor is chosen and qualified. In the year nineteen hundred and eleven, and every third year thereafter, a city clerk shall be elected by a majority of the members of the city council, to hold office until the first Monday in February in the third year following his election, and thereafter until his successor has been duly chosen and qualified, unless sooner removed by due process of law. The city clerk shall act as clerk of the city council established by this act.

#### THE CITY AUDITOR.

City auditor.

SECTION 23. All accounts rendered to or kept in the departments of the city of Boston or county of Suffolk shall be subject to the inspection and revision of the city auditor, and shall be rendered and kept in such form as he shall prescribe. The auditor may require any person presenting for settlement an account or claim against the city or county to make oath before him in such form as he may prescribe as to the accuracy of such account or claim. The wilful making of a false oath shall be perjury and punishable as such. The auditor may disallow and refuse to pay, in whole or in part, any claim on the ground that it is fraudulent or unlawful and in that case he shall file a written statement of his reasons for the refusal.

Contracts.

SECTION 24. Whenever, in response to an advertisement by any officer or board of the city or county, a bid for a contract to do work or furnish materials is sent or delivered to said officer or board, a duplicate of the same shall be furnished by the bidder to the auditor, to be kept by him and not opened until after the original bids are opened. After the original bids are opened, the auditor shall open and examine the bids submitted to him, and shall compare the same with the original bids. In case any of the bids submitted to the auditor differ from the corresponding original bids, those submitted to the audi-

tor shall be treated as the original bids. The contract shall not be awarded until after both sets of bids are opened.

SECTION 25. The auditor shall furnish monthly to each head of department a statement of the unexpended balance of the appropriation for that department, and he shall furnish to the mayor and city council a statement of the unexpended balances of all the departments. He shall furnish quarterly to the city council an itemized statement showing the amount of money expended by the mayor and the city council for contingent expenses.

Statement of unexpended balances to be furnished, etc.

MISCELLANEOUS PROVISIONS.

SECTION 26. All loans issued by the city after the passage of this act shall be made payable in annual instalments in the manner authorized by section thirteen of chapter twenty-seven of the Revised Laws as amended by section one of chapter three hundred and forty-one of the acts of the year nineteen hundred and eight. No sinking fund shall be established for said loan. All bonds shall be offered for sale in such a manner that the effect of the premiums, if any, shall be to reduce the total amount of bonds issued. No city or county money shall be deposited in any bank or trust company of which any member of the board of sinking fund commissioners of said city is an officer, director, or agent.

Loans.

SECTION 27. Every officer and board in charge of a department of the city of Boston or county of Suffolk shall on or before the fifth day of May in each year prepare and furnish to the city auditor a list of the officials and employees under said officer or board and paid by the city or county on the thirtieth day of April preceding. Such lists shall give the names, residence by street and ward, designation, compensation, and date of election or appointment of each of said officials and employees and the date when each first entered the employ of the city or county. It shall be the duty of the city auditor to verify said lists by the pay rolls; and when verified the said lists shall be printed by the superintendent of printing as a city document.

Officials and employees.

SECTION 28. The jurisdiction now exercised by the board of aldermen concerning the naming of streets, the

Jurisdiction of street commissioners, etc.

planting and removal of trees in the public ways, the issue of permits or licenses for coasting, the storage of gasoline, oil, and other inflammable substances or explosive compounds and the use of the public ways for any permanent or temporary obstruction or projection in, under, or over the same, including the location of conduits, poles, and posts for telephone, telegraph, street railway, or illuminating purposes, is hereby vested in the board of street commissioners, to be exercised by said board with the approval in writing of the mayor; and the mayor and city council shall have authority to fix by ordinance the terms by way of cash payment, rent, or otherwise, upon which permits or licenses for the storage of gasoline or oil, or other inflammable substances or explosive compounds, and the construction or use of coal holes, vaults, bay windows, and marquises, in, under, or over the public ways shall be issued.

"City  
Record."

SECTION 29. Within ninety days after the passage of this act and thereafter there shall be published at least once a week and distributed and sold under the direction of the mayor and on terms to be fixed by the city council and approved by the mayor a paper to be known as the "City Record." All advertising, whether required by law or not, with reference to the purchase or taking of land, contracts for work, materials, or supplies, the sale of bonds, or the sale of property for non-payment of taxes shall appear exclusively in said paper; a list of all contracts of one thousand dollars or more, as awarded, with the names of bidders, and the amount of the bids; appointments by the mayor; and changes in the number and compensation of employees in each department, shall be published in the City Record. The proceedings of the city council and school committee together with all communications from the mayor, shall be published in the City Record.

Certain con-  
tracts to be  
made in  
quintuplicate,  
etc.

SECTION 30. Every officer or board in charge of a department in said city, when authorized to erect a new building or to make structural changes in an existing building, shall make contracts therefor, not exceeding five, each contract to be subject to the approval of the mayor; and when about to do any work or to make any purchase, the estimated cost of which alone, or in conjunction with other similar work or purchase which might properly be



included in the same contract, amounts to or exceeds one thousand dollars, shall, unless the mayor gives written authority to do otherwise, invite proposals therefor by advertisement in the City Record. Such advertisement shall state the time and place for opening the proposals in answer to said advertisement, and shall reserve the right to the officer or board to reject any or all proposals. No authority to dispense with advertising shall be given by the mayor unless the said officer or board furnishes him with a signed statement which shall be published in the City Record giving in detail the reasons for not inviting bids by advertisement.

SECTION 31. At the request of any department, and with the approval of the mayor the board of street commissioners, in the name of the city, may take in fee for any municipal purpose any land within the limits of the city, not already appropriated to public use. Whenever the price proposed to be paid for a lot of land for any municipal purpose is more than twenty-five per cent higher than its average assessed valuation during the previous three years, said land shall not be taken by purchase but shall be taken by right of eminent domain and paid for in the manner provided for the taking of and the payment of damages for land for highways in said city. No land shall be taken until an appropriation by loan or otherwise for the general purpose for which land is needed shall have been made by the mayor and city council by a two thirds vote of all its members; or in case of land for school purposes by the school committee and school-house department in accordance with law; nor shall a price be paid in excess of the appropriation, unless a larger sum is awarded by a court of competent jurisdiction. All proceedings in the taking of land shall be under the advice of the law department, and a record thereof shall be kept by said department.

Taking of  
land for  
municipal  
purposes.

SECTION 32. The first municipal election under this act shall take place on the first Tuesday after the second Monday in January in the year nineteen hundred and ten, and thereafter the regular municipal elections in each year in said city shall be held on the first Tuesday after the second Monday in January.

Elections.

SECTION 33. The fiscal year in said city shall begin on February first and shall end on the thirty-first day of

Fiscal year.

January next following; and the municipal year shall hereafter begin on the first Monday in February and shall continue until the first Monday of the February next following. The present terms of office of members of the school committee are hereby extended to the first Monday of February in the years in which their terms respectively expire, and hereafter the terms of office of members of the school committee shall begin with the first Monday of February following their election. The members of the school committee hereafter shall meet and organize annually on the first Monday of February.

Election of  
political  
committees.

SECTION 34. In Boston beginning with the current year political committees shall be elected at the state primaries instead of at the municipal primaries.

CHARTER AMENDMENTS.

Charter  
amendments.

SECTION 35. At the state election on November second, nineteen hundred and nine, the then registered male voters of the city of Boston shall be entitled to vote upon the following plans, which shall be printed upon the official ballot in the following form. The voters shall make a cross in the space at the right of the plan which he desires to have adopted. No ballot shall be counted upon which the voter has made a cross in both spaces.

Plan No. 1.

Plan No. 1. The term of mayor to be two years; the city council to consist of one member from each ward (except wards twenty and twenty-four, which shall have two each) nominated in primaries and elected for two-year terms, and nine members elected at large for three-year terms; nominations for school committee, mayor, and councilmen-at-large to be made by independent nominations and by delegates elected by the  voters in the primaries.

Plan No. 2.

Plan No. 2. The term of mayor to be four years, subject to recall after two years by not less than a majority of all the voters in the city; the city council to consist of nine members elected at large for three-year terms; all nominations for a municipal election to be made by petition of not less than five thousand  voters, without party designations on the ballot.

Effect of ac-  
ceptance of  
Plan No. 1.

SECTION 36. If a majority of the votes cast under the provisions of section thirty-five of this act are in favor of

the first plan, then sections thirty-seven to forty-three of this act, both inclusive, shall take effect and sections forty-five to sixty-one, both inclusive, shall be inoperative.

THE MAYOR.

SECTION 37. The mayor of the city of Boston shall be elected at large to hold office for the term of two years from the first Monday in February following his election and until his successor is chosen and qualified except as hereinafter provided.

Election of mayor.

SECTION 38. If a vacancy occurs in the office of mayor before the last nine months of the term of office, the city council shall order an election for a mayor to serve for the unexpired term; and if such vacancy occurs in the last nine months of said term, the president of the city council shall act as mayor. In case of the decease, disability, absence, or resignation of the mayor, and whenever there is a vacancy in the office from any cause, the president of the city council shall perform the duties of mayor. If he is also absent or unable from any cause to perform such duties they shall be performed by such member of the city council as that body may elect and until such election by the city clerk. The person upon whom such duties shall devolve shall be called "acting mayor", and he shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments except on the decease of the mayor.

Vacancy in office of mayor.

THE CITY COUNCIL.

SECTION 39. There shall be elected in said city a city council of thirty-six members, nine of whom shall be elected at large in the city, and twenty-seven of whom shall be elected by wards as hereinafter provided. At the first municipal election under this act and at each regular municipal election thereafter (when there is to be a mayor elected for two years) the registered voters of each ward, except of wards twenty and twenty-four, shall elect one qualified voter of such ward as a member of said council from said ward for the term of two years and at said election the registered voters of wards twenty and twenty-four, respectively, shall elect two qualified voters

Election of city council.

Election of  
city council.

of their respective wards as members of said council for the term of two years. At the first election under this act there shall also be elected at large in said city nine members of said city council. No voter shall vote for more than five of said candidates to be elected at large, and the nine candidates receiving the highest number of votes shall be declared elected. The three candidates for membership at large receiving the largest number of votes at said election shall hold office for three years, the three receiving the next largest number of votes shall hold office for two years, the three receiving the next largest number of votes shall hold office for one year. In case two or more persons should receive an equal number of votes, any such person senior in age shall be deemed to have received a larger number of votes than a person his junior in age, for the purpose of determining the length of term to which any such person has been elected. The person oldest in years shall be deemed elected to the longer term, and the persons next oldest in years shall be deemed elected for the shorter terms respectively. Thereafter at each annual municipal election there shall be chosen at large three members of the city council to hold office for a term of three years, but no voter shall vote for more than two candidates and the three candidates receiving the highest number of votes shall be declared elected. All said terms shall begin with the first Monday of February following the election.

Salaries.

SECTION 40. Each member of the city council elected as representative of a ward shall be paid an annual salary of one thousand dollars and each member elected at large shall receive an annual salary of fifteen hundred dollars. No other sum shall be paid from the city treasury for or on account of any personal expenses directly or indirectly incurred by or in behalf of any member of said council.

Powers of  
city council,  
etc.

SECTION 41. The city council shall be the judge of the election and qualifications of its members; shall elect from its members by vote of a majority of all the members a president who when present shall preside at the meetings thereof; shall from time to time establish rules for its proceedings; and shall, when a vacancy occurs in the office of any member elected at large, elect by vote of a majority of all the members a registered voter of said city to fill the vacancy for the remainder of the municipal year.

The vacancy for the remainder of the unexpired term shall be filled at the next annual municipal election, and the city council shall order such vacancy to be filled at such election, unless the vacancy occurs within two months prior to a regular municipal election, in which event the city council shall forthwith order a special election to fill the vacancy for the unexpired term. If within a period of one year after a regular municipal election a vacancy shall occur in the office of a member elected from a ward, the city council shall order a special election in said ward to fill such vacancy for the unexpired term. A majority of the members of the council shall constitute a quorum for the transaction of business. The member eldest in years shall preside until the president is chosen and in case of the absence of the president until a presiding officer is chosen.

SECTION 42. All elections by the city council under any provisions of law shall be made by a viva voce vote, each member who is present answering to his name when it is called by the clerk or other proper officer, and stating the name of the person for whom he votes, or declining to vote as the case may be; and the clerk or other proper officer shall record every such vote. No such election shall be valid unless it is made as aforesaid.

Elections by  
the city  
council.

#### NOMINATIONS AND ELECTIONS.

SECTION 43. The primaries in Boston preceding the regular city election in any year shall be held on the sixth Thursday preceding the city election. At such primaries the registered voters of the various political parties of each ward shall nominate qualified voters of such ward to be candidates for election as representatives of said ward in the city council. There shall also be elected at said primaries delegates to conventions to be called and held on the eighth day after the primaries before the city election. The delegates so elected shall in such convention nominate candidates for election to the school committee, candidates for election at large to the city council, and, in the years when a mayor is to be elected, candidates for election as mayor. Certificate of the nominations made by such conventions shall be filed on or before the twelfth day after the primaries.

Time of  
holding  
primaries,  
etc.



Nomination  
papers.

Nomination papers in each year shall be issued by the board of election commissioners on and after but not before the day next following the state election.

General  
election law  
to apply to  
primaries,  
etc.

The provisions of law relating to nominations, election officers, voting places for elections, election apparatus and blanks, calling and conduct of primaries, caucuses and elections, manner of voting at elections, counting and recounting of votes at elections, corrupt practices and penalties shall apply to the primaries and to nominations and elections for the purpose of carrying out the provisions of this section so far as the same are not inconsistent herewith. The board of election commissioners shall have the same powers and duties, where not inconsistent with the provisions of this act, in relation to nominations, nomination papers, preparing and printing ballots, preparing for and conducting primaries, caucuses, counting, recounting, tabulating and determining the votes cast under the provisions of this act, certification of candidates and all other matters relating to elections, which they have now in relation to municipal elections in said city. The members of the board of street commissioners to be appointed by the mayor as provided in this act shall be appointed from the two leading political parties, so that each of said two leading political parties shall be represented thereon.

#### ALTERNATIVE CHARTER AMENDMENTS.

Alternative  
charter  
amendments.

SECTION 44. If a majority of the votes cast under the provisions of section thirty-five of this act are in favor of the second or alternative plan, then sections forty-five to sixty-one of this act both inclusive shall take effect and sections thirty-seven to forty-three both inclusive shall be inoperative.

#### THE MAYOR.

Term of office  
of mayor.

SECTION 45. The mayor of the city of Boston shall be elected at large to hold office for the term of four years from the first Monday in February following his election and until his successor is chosen and qualified, except as hereinafter provided.

Question to be  
printed on  
ballot at  
certain state  
election, etc.

SECTION 46. The secretary of the commonwealth (unless notified as hereinafter provided) shall cause to be printed at the end of the official ballot to be used in the

city of Boston at the state election in the second year of the mayor's term the following question: Shall there be an election for mayor at the next municipal election, with the words Yes and No at the right of the question and sufficient squares in which each voter may designate by a cross his answer to such question. If a majority of the qualified voters registered in said city for said state election shall vote in the affirmative on said question, there shall be an election for mayor in said city at the municipal election held in January next following said state election, and the same shall be conducted, and the result thereof declared in all respects as are other city elections for mayor, except that the board of election commissioners shall place on the official ballot for said election without nomination the name of the person then holding the office of mayor (other than an acting mayor), unless in writing he shall request otherwise. The mayor then elected shall hold office for four years, subject to recall at the end of two years as provided in this section. If said question is not answered in the affirmative by the vote aforesaid no election for mayor shall be held and the mayor shall continue to hold office for his unexpired term. If prior to October first in the said second year of his term the mayor shall file with the secretary of the commonwealth a written notice that he does not desire said question to appear upon the ballot at said state election it shall be omitted; his term of office shall expire on the first Monday of February following; and there shall be an election for mayor in said city at the municipal election held in January next following said state election, and at such municipal election the mayor's name shall not be placed on the official ballot unless he is nominated in the manner provided in section fifty-three of this act.

Question to be printed on ballot at certain state election, etc.

SECTION 47. If a vacancy occurs in the office of mayor within two months prior to a regular municipal election other than an election for mayor, or within four months after any regular municipal election, the city council shall forthwith order a special election for a mayor to serve for the unexpired term, subject if the vacancy occurs in the first or second year of the mayor's term to recall under the provisions of the preceding section. If such vacancy occurs at any other time there shall be an election for mayor at the municipal election held in January next following,

Filling of vacancy in the office of mayor, etc.

Acting  
mayor.

for the term of four years, subject to recall as aforesaid. In the case of the decease, inability, absence or resignation of the mayor, and whenever there is a vacancy in the office from any cause, the president of the city council while said cause continues or until a mayor is elected shall perform the duties of mayor. If he is also absent or unable from any cause to perform such duties they shall be performed until the mayor or president of the city council returns or is able to attend to said duties by such member of the city council as that body may elect, and until such election by the city clerk. The person upon whom such duties shall devolve shall be called "acting mayor" and he shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments except on the decease of the mayor.

#### THE CITY COUNCIL.

City council,  
election, etc.

SECTION 48. There shall be elected at large in said city a city council consisting of nine members. At the first election under this act there shall be elected nine members of said city council. No voter shall vote for more than nine. The three candidates receiving the largest number of votes at said election shall hold office for three years, the three receiving the next largest number of votes shall hold office for two years, the three receiving the next largest number of votes shall hold office for one year. In case two or more persons elected should receive an equal number of votes those who are the seniors by age shall for the division into classes hereby required be classified as if they had received the larger number of votes in the order of ages. Thereafter at each annual municipal election there shall be chosen at large three members of the city council to hold office for a term of three years. No voter shall vote for more than three. All said terms shall begin with the first Monday of February following the election.

Salaries of  
members of  
the city  
council.

SECTION 49. Each member of the city council shall be paid an annual salary of fifteen hundred dollars; and no other sum shall be paid from the city treasury for or on account of any personal expenses directly or indirectly incurred by or in behalf of any member of said council.

Powers of  
city council.

SECTION 50. The city council shall be the judge of the election and qualifications of its members; shall elect from

its members by a vote of a majority of all the members a president who when present shall preside at the meetings thereof; shall from time to time establish rules for its proceedings, and shall, when a vacancy occurs in the office of any member, elect by vote of a majority of all the members a registered voter of said city to fill the vacancy for the remainder of the municipal year. The vacancy for the remainder of the unexpired term shall be filled at the next annual municipal election, unless the vacancy occurs within two months prior to such municipal election, in which event the city council shall forthwith order a special election to fill the vacancy for the unexpired term. The member eldest in years shall preside until the president is chosen, and in case of the absence of the president, until a presiding officer is chosen.

SECTION 51. All elections by the city council under any provision of law shall be made by a viva voce vote, each member who is present answering to his name when it is called by the clerk or other proper officer, and stating the name of the person for whom he votes, or declining to vote as the case may be; and the clerk or other proper officer shall record every such vote. No such election shall be valid unless it is made as aforesaid.

Elections by  
the city  
council.

SECTION 52. No primary election or caucus for municipal offices shall be held hereafter in the city of Boston, and all laws relating to primary elections and caucuses for such offices in said city are hereby repealed.

Repeal.

SECTION 53. Any male qualified registered voter in said city may be nominated for any municipal elective office in said city, and his name as such candidate shall be printed on the official ballot to be used at the municipal election: *provided*, that at or before five o'clock P.M. of the twenty-fifth day prior to such election nomination papers prepared and issued by the election commissioners, signed in person by at least five thousand registered voters in said city qualified to vote for such candidate at said election, shall be filed with said election commissioners, and the signatures on the same to the number required to make a nomination are subsequently certified by the election commissioners as hereinafter provided. Said nomination papers shall be in substantially the following form:

Nominations  
for elective  
office, etc.

Proviso.

COMMONWEALTH OF MASSACHUSETTS  
CITY OF BOSTON  
NOMINATION PAPER

Form of  
nomination  
paper.

The undersigned, registered voters of the City of Boston, qualified to vote for a candidate for the office named below, in accordance with law, make the following nomination of candidates to be voted for at the election to be held in the City of Boston on January 19 .

NAME OF CANDIDATE. (Give first or middle name in full).	OFFICE FOR WHICH NOMINATED.	RESIDENCE. Street and number, if any.

SIGNATURES AND RESIDENCES OF NOMINATORS.

We certify that we have not subscribed to more nominations of candidates for this office than there are persons to be elected thereto. In case of the death, withdrawal or incapacity of any of the above nominees, after written acceptance filed with the board of election commissioners, we authorize (names of a committee of not less than five persons) or a majority thereof as our representatives to fill the vacancy in the manner prescribed by law.

SIGNATURES OF NOMINATORS. To be made in person.	RESIDENCE MAY 1, or, as the case may be, April 1.	WARD.	PREC.	PRESENT RESIDENCE.

ACCEPTANCE OF NOMINATION.

Form of  
acceptance.

We accept the above nominations.  
(Signature of Nominees.)

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, SS. . . . . BOSTON, 19 .  
Then personally appeared who, I am satisfied, is one  
of the signers of the within nomination paper, and made oath that  
the statements therein contained are true to the best of his knowl-  
edge and belief and that his post office address is  
Before me,  
Justice of the Peace.



SECTION 54. If a candidate nominated as aforesaid dies before the day of election, or withdraws his name from nomination, or is found to be ineligible, the vacancy may be filled by a committee of not less than five persons, or a majority thereof, if such committee be named, and so authorized in the nomination papers. Nomination papers shall not include candidates for more than one office except that not more than three or nine, as the case may be, candidates for city council may be included in one nomination paper, and not more than two candidates for school committee may be included in one nomination paper. Every voter may sign as many nomination papers for each office to be filled as there are persons to be elected thereto and no more. Nomination papers in each year shall be issued by the board of election commissioners on and after but not before the day next following the state election.

Vacancies in list of candidates, etc.

SECTION 55. Women who are qualified to vote for a member of the school committee may be nominated as and sign nomination papers for candidates for that office in the manner and under the same provisions of law as men.

Certain women may be nominated.

SECTION 56. The names of candidates appearing on nomination papers shall when filed be a matter of public record; but the nomination papers shall not be open to public inspection until after certification. After such nomination papers have been filed, the election commissioners shall certify thereon the number of signatures which are the names of registered voters in the city qualified to sign the same. They need not certify a greater number of names than are required to make a nomination, with one fifth of such number added thereto. All such papers found not to contain a number of names so certified equivalent to the number required to make a nomination shall be invalid. The election commissioners shall complete such certification on or before five o'clock P.M. on the sixteenth day preceding the city election. Such certification shall not preclude any voter from filing objections as to the validity of the nomination. All withdrawals and objections to such nominations shall be filed with the election commissioners on or before five o'clock P.M. on the fourteenth day preceding the city election. All substitutions to fill vacancies caused by withdrawal or ineligibility shall be filed with the election commissioners on

Nomination papers to be public records, etc.

or before five o'clock P.M. on the twelfth day preceding the city election.

Printing of  
official ballot.

SECTION 57. The name of each person who is nominated in compliance with law, together with his residence and the title and term of the office for which he is a candidate shall be printed on the official ballots at the municipal election, and the names of no other candidates shall be printed thereon. The names of candidates for the same office shall be printed upon the official ballot in the order in which they may be drawn by the board of election commissioners, whose duty it shall be to make such drawing and to give each candidate an opportunity to be present thereat personally or by one representative.

No party or  
political  
designation to  
be printed  
upon ballot.

SECTION 58. No ballot used at any annual or special municipal election shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything showing how he was nominated or indicating his views or opinions.

Blank spaces  
upon ballots.

SECTION 59. On ballots to be used at annual or special municipal elections blank spaces shall be left at the end of each list of candidates for the different offices, equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office.

Certain laws  
relating to  
elections to  
apply, etc.

SECTION 60. All laws not inconsistent with the provisions of this act, governing nomination papers and nominations for, and elections of municipal officers in the city of Boston, shall so far as they may be applicable, govern the nomination papers, nominations and elections provided for in this act. The board of election commissioners shall be subject to the same penalties and shall have the same powers and duties, where not inconsistent with the provisions of this act, in relation to nomination papers, preparing and printing ballots, preparing for and conducting elections and counting, tabulating and determining the votes cast under the provisions of this act, as they have now in relation to municipal elections in said city.

Application of  
this act to  
certain  
special elec-  
tions, etc.

SECTION 61. The provisions of this act shall apply to any special municipal election held after the year nineteen hundred and nine in the city of Boston, except that nomination papers for offices to be filled at such elections shall be issued by the election commissioners on and after the

day following the calling of said special election. Every special municipal election shall be held on a Tuesday not less than sixty days nor more than ninety days after the date of the order calling such special election.

SECTION 62. All acts and parts of acts so far as inconsistent with this act are hereby repealed; all ordinances and parts of ordinances so far as inconsistent with this act are hereby annulled; and all acts and parts of acts affecting the city of Boston not inconsistent with the provisions of this act are continued in force: *provided, however*, that the provisions of chapter four hundred and forty of the acts of the year nineteen hundred and nine shall not apply to any election held hereunder prior to the first day of April in the year nineteen hundred and ten.

Repeal.

Proviso.

SECTION 63. Sections one to fourteen both inclusive and sections twenty-seven, twenty-eight and thirty-one of this act shall take effect on the first Monday of February in the year nineteen hundred and ten, excepting that so much of section one as is included in the first two sentences thereof, to and including the word "respectively", shall take effect upon the passage of this act; sections sixteen and twenty-three of this act shall take effect thirty days after the passage of the same; section thirty shall take effect ninety days after the passage of this act; and sections fifteen, seventeen to twenty-two, both inclusive, twenty-four to twenty-six, both inclusive, twenty-nine, thirty-two to thirty-six, both inclusive, forty-four and sixty-two shall take effect upon the passage of this act.

When to take effect.

*Approved June 11, 1909.*

AN ACT TO AUTHORIZE THE TOWN OF RANDOLPH TO MAKE  
AN ADDITIONAL WATER LOAN.

*Chap. 487*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Randolph, for the purposes mentioned in section five of chapter two hundred and seventeen of the acts of the year eighteen hundred and eighty-five, may issue from time to time bonds, notes or scrip to an amount not exceeding twenty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for water works purposes. Such bonds, notes or scrip shall bear on their face the words, Town of Randolph Additional Water Loan, Act of 1909; shall

Town of  
Randolph  
Additional  
Water Loan,  
Act of 1909.

be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners. The town may sell said securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold for less than their par value.

Proviso.

Payment of  
loan.

SECTION 2. Said town shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of any of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of the town annually thereafter, in a manner similar to that in which other taxes are assessed, until the debt incurred by said loan is extinguished.

SECTION 3. This act shall take effect upon its passage.

*Approved June 11, 1909.*

### *Chap. 488* AN ACT RELATIVE TO CASUALTY AND OTHER INSURANCE.

*Be it enacted, etc., as follows:*

1907, 576,  
§ 34, etc.,  
amended.

SECTION 1. Section thirty-four of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven, as amended by chapter eighty-one of the acts of the year nineteen hundred and eight, is hereby further amended by changing the lettering of clause *f* to *h*, and by inserting after clause *e* the following two clauses, to be lettered, respectively, *f* and *g*:—

Clause *f*.

*f*. The kind of business specified in the eleventh clause of section thirty-two and insurance against the sickness and the bodily injury or the death of the insured by accident, if permitted to transact either kind, and if it

has a paid-up capital of not less than three hundred thousand dollars.

g. The kinds of business specified in the fifth and ninth clauses of section thirty-two, if permitted to transact either kind, and if it has a paid-up capital of not less than five hundred thousand dollars, and in addition either one of the kinds of business specified in the fourth and eleventh clauses if it has a paid-up capital of not less than six hundred thousand dollars, or both said kinds of business if it has a paid-up capital of not less than seven hundred thousand dollars.

Clause g.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1909.*

AN ACT IN ADDITION TO AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE INDUSTRIAL SCHOOL FOR BOYS.

*Chap. 489*

*Be it enacted, etc., as follows:*

SECTION 1. To provide for finishing and equipping the industrial school for boys provided for by chapter six hundred and thirty-nine of the acts of the year nineteen hundred and eight, and for grading, and a water supply, the trustees are authorized to expend the further sum of forty-one thousand dollars, in addition to the eighty-five thousand dollars authorized by section two of said act.

Furnishing and equipping the industrial school for boys.

SECTION 2. For the purpose of meeting the additional expenses that may be incurred under the provisions of this act the treasurer and receiver general is authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding forty-one thousand dollars, for a term not exceeding thirty years, which shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of May and November, and shall be in addition to the loan already authorized. The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the Prisons and Hospitals Loan Sinking Fund, shall also be maintained for the purpose of extinguishing bonds issued under authority of this act.

Treasurer and receiver general may issue scrip, etc.

SECTION 3. This act shall take effect upon its passage.

*Approved June 11, 1909.*



*Chap. 490* AN ACT TO CODIFY AND AMEND THE LAWS RELATING TO  
TAXATION.

*Be it enacted, etc., as follows:*

PART I.

ASSESSMENT OF TAXES.

PERSONS AND PROPERTY LIABLE TO TAXATION.

Persons sub-  
ject to a poll  
tax.  
1780, 43.  
1830, 151, § 2.  
R. S. 7, § 1.  
1843, 87.

SECTION 1. A poll tax of two dollars shall be assessed on every male inhabitant of the commonwealth above the age of twenty years, whether a citizen of the United States or an alien.

1844, 145.	1901, 424, § 1.	4 Met. 181.
G. S. 11, § 1.	R. L. 12, § 1.	5 Met. 594.
P. S. 11, § 1.	7 Mass. 523.	

Property sub-  
ject to taxa-  
tion.  
1780, 43.  
1830, 151, § 2.  
R. S. 7, § 2.  
G. S. 11, § 2.  
P. S. 11, § 2.  
R. L. 12, § 2.

SECTION 2. All property real and personal situated within the commonwealth, and all personal property of the inhabitants of the commonwealth wherever situated, unless expressly exempted by law, shall be subject to taxation.

4 Met. 564.	16 Gray, 293.	106 Mass. 540.
4 Cush. 12.	6 Allen, 559.	193 Mass. 274.
4 Gray, 500.	101 Mass. 317.	199 U. S. 194.

Real estate.  
R. S. 7, § 3.  
G. S. 11, § 3.  
P. S. 11, § 3.  
R. L. 12, § 3.  
22 Pick. 22.  
10 Cush. 514.

SECTION 3. Real estate for the purpose of taxation shall include not only all land within the commonwealth but also all buildings and other things erected on or affixed to the same.

101 Mass. 328.	125 Mass. 567.	149 Mass. 238.
102 Mass. 79.	130 Mass. 428.	153 Mass. 141.
118 Mass. 386.	147 Mass. 33.	189 Mass. 182.

Personal  
estate.  
1821, 107, § 2.  
1830, 151, § 2.  
R. S. 7, § 4.  
1839, 139, § 2.  
1849, 149.  
G. S. 11, § 4.  
1873, 354.  
1881, 284, § 1;  
304, § 6.  
P. S. 11, § 4.  
1882, 76.  
1888, 363.  
R. L. 12, § 4.  
1902, 274, § 4.  
16 Pick. 435,  
572.  
9 Met. 73, 199.  
10 Cush. 128.  
10 Allen, 100.  
11 Allen, 309.  
14 Allen, 359,  
366.  
103 Mass. 544.  
105 Mass. 526.  
106 Mass. 540.  
136 Mass. 129.  
137 Mass. 111.  
138 Mass. 414.

SECTION 4. Personal estate for the purpose of taxation shall include:—

First, Goods, chattels, money and effects, wherever they are; ships and vessels at home or abroad, except as provided in section seven.

Second, Money at interest, and other debts due the person to be taxed more than he is indebted or pays interest for; but not including in such debts due him or indebtedness from him any loan on mortgage of real estate, taxable as real estate, except the excess of such loan above the assessed value of the mortgaged real estate.

Third, Public stocks and securities, except as provided in clause fifteenth of section five, bonds of railroads and street railways, stocks in turnpikes, bridges and moneyed corporations within or without this commonwealth, except as provided in section sixty-four of Part III.

Fourth, The income from an annuity, and the excess above two thousand dollars of the income from a profession, trade or employment accruing to the person to be taxed during the year ending on the first day of May of the year in which the tax is assessed. Incomes derived from property subject to taxation shall not be taxed.

139 Mass. 559.  
147 Mass. 430.  
193 Mass. 190.  
194 Mass. 44.

PERSONS AND PROPERTY EXEMPT FROM TAXATION.

SECTION 5. The following property and polls shall be exempted from taxation:—

Exemptions.  
R. S. 7, § 5.  
G. S. 11, § 5.  
P. S. 11, § 5.

R. L. 12, § 5.	4 Gray, 500.	116 Mass. 193.
4 Met. 564.	1 Allen, 199.	170 Mass. 160.
8 Cush. 237.	12 Allen, 75.	7 Wallace, 16.

First, The property of the United States.

R. S. 7, § 5, cl. 1. G. S. 11, § 5, cl. 1. P. S. 11, § 5, cl. 1. R. L. 12, § 5, cl. 1.

Property of the United States.

Second, The property of the commonwealth, except real estate of which the commonwealth is in possession under a mortgage for condition broken.

— of the commonwealth.  
R. S. 7, § 5, cl. 1.  
1853, 122.

G. S. 11, § 5, cl. 2.	P. S. 11, § 5, cl. 2.	153 Mass. 141.
1867, 101.	R. L. 12, § 5, cl. 2.	185 Mass. 325.

Third, The personal property of literary, benevolent, charitable and scientific institutions and of temperance societies incorporated within this commonwealth, the real estate owned and occupied by them or their officers for the purposes for which they are incorporated, and real estate purchased by them with the purpose of removal thereto, until such removal, but not for more than two years after such purchase. Such real or personal property shall not be exempt if any of the income or profits of the business of such corporation is divided among the stockholders or members, or is used or appropriated for other than literary, educational, benevolent, charitable, scientific or religious purposes, nor shall it be exempt for any year in which such corporation wilfully omits to bring in to the assessors the list and statement required by section forty-one.

— of charitable, etc., institutions.  
1830, 151, § 6.  
R. S. 7, § 5, cl. 2.  
G. S. 11, § 5, cl. 3.  
1874, 375, § 8.  
1878, 214.  
P. S. 11, § 5, cl. 3.  
1882, 217, § 2.  
1886, 231.  
1888, 158.  
1889, 465.  
R. L. 12, § 5, cl. 3.  
2 Cush. 611.  
12 Cush. 54.  
99 Mass. 599.  
101 Mass. 319.  
104 Mass. 470, 481.  
113 Mass. 518.  
114 Mass. 337.  
116 Mass. 181, 188.  
118 Mass. 164, 362.  
120 Mass. 212.

129 Mass. 178.	153 Mass. 85.	172 Mass. 60.	182 Mass. 457.
136 Mass. 285.	154 Mass. 15.	173 Mass. 232.	185 Mass. 310, 414.
142 Mass. 24.	155 Mass. 329.	174 Mass. 144.	188 Mass. 409.
145 Mass. 111, 139.	160 Mass. 409.	175 Mass. 118.	193 Mass. 168.
147 Mass. 396, 427.	167 Mass. 505.	145, 293.	

Fourth, The real and personal estate of incorporated agricultural societies and the portions of real estate and buildings of incorporated horticultural societies used for their offices, libraries and exhibitions.

1884, 176. R. L. 12, § 5, cl. 4. 116 Mass. 189, 191.

— of agricultural, etc., societies.  
1851, 215.  
G. S. 11, § 5, cl. 9.  
P. S. 11, § 5, cl. 9.

Fifth, The real and personal estate of any grand army or veteran association, incorporated within this common-

— of grand army and veteran associations.

1882, 217, § 2.  
1889, 465.  
R. L. 12, § 5,  
cl. 5.

wealth for the purpose of owning property for use and occupation by posts of the grand army of the republic, to the extent of twenty thousand dollars, if it is actually used and occupied by such association and the net income from said property is used for charitable purposes in aid of needy soldiers of the war of the rebellion and their dependents; but it shall not be exempt for any year in which such association wilfully omits to bring in to the assessors the list and statement required by section forty-one.

Bunker Hill Monument.

Sixth, The Bunker Hill Monument.

R. S. 7, § 5, cl. 3. G. S. 11, § 5, cl. 5. P. S. 11, § 5, cl. 5. R. L. 12, § 5, cl. 6.

Churches.

1821, 107, § 2.  
R. S. 7, § 5,  
cl. 5.  
1841, 127.  
G. S. 11, § 5,  
cl. 7.  
1865, 206, § 1.  
P. S. 11, § 5,  
cl. 7.

Seventh, Houses of religious worship owned by, or held in trust for the use of, any religious organization and the pews and furniture; but the exemption shall not extend to portions of such houses appropriated for purposes other than religious worship or instruction.

R. L. 12, § 5, cl. 7.	127 Mass. 378.	155 Mass. 329.
1 Met. 538.	129 Mass. 178.	178 Mass. 404.
118 Mass. 164.	147 Mass. 397.	185 Mass. 310.

Cemeteries.

1841, 114, § 7.  
G. S. 11, § 5,  
cl. 8.

Eighth, Cemeteries, tombs and rights of burial, so long as they shall be dedicated to the burial of the dead.

P. S. 11, § 5, cl. 8.	118 Mass. 354, 361.	152 Mass. 408.
R. L. 12, § 5, cl. 8.	150 Mass. 12.	

Property of certain females, aged persons and minors.

1858, 43, § 1.  
G. S. 11, § 5, cl. 10.  
1878, 206, § 1.  
1880, 143.  
P. S. 11, § 5, cl. 10.  
1885, 169.  
R. L. 12, § 5, cl. 9.  
1907, 367.  
137 Mass. 272.  
Proviso.

Ninth, The property, to the amount of five hundred dollars, of a widow, of an unmarried woman above the age of twenty-one years, of a person above the age of seventy-five years or of any minor whose father is deceased, who are legal residents of the commonwealth, whether such property be owned by such persons separately, or jointly, or as tenants in common: *provided*, that the whole estate, real and personal, of such person does not exceed in value the sum of one thousand dollars, exclusive of property otherwise exempted under the provisions of this section. If the property of a person entitled to such exemption is taxable in more than one city or town, such proportion of the total exemption shall be made in each city or town as the value of the property taxable in such city or town bears to the whole of the property taxable in the commonwealth. No property shall be so exempt which the assessors shall adjudge has been conveyed to such person to evade taxation. A person aggrieved by such judgment may appeal to the county commissioners within the time and in the manner allowed by the provisions of section seventy-six.

Tenth, The polls and any portion of the estates of persons who by reason of age, infirmity and poverty are in the judgment of the assessors unable to contribute fully towards the public charges.

P. S. 11, § 5, cl. 12. R. L. 12, § 5, cl. 10. 137 Mass. 272. 165 Mass. 375.

Eleventh, The wearing apparel and farming utensils of every person; his household furniture not exceeding one thousand dollars in value; and the necessary tools of a mechanic not exceeding three hundred dollars in value.

1865, 206, § 1. P. S. 11, § 5, cl. 6. R. L. 12, § 5, cl. 11. 167 Mass. 371.

Twelfth, Mules, horses and neat cattle less than one year old, swine and sheep less than six months old and domestic fowls not exceeding fifteen dollars in value.

G. S. 11, § 5, cl. 11. P. S. 11, § 5, cl. 11. 1894, 220. R. L. 12, § 5, cl. 12.

Thirteenth, The property of the following classes of persons who are legal residents of this commonwealth to the amount of two thousand dollars in the case of each person: *provided*, that the whole estate, real and personal, of the person so exempted does not exceed in value the sum of five thousand dollars; and *provided, further*, that only two thousand dollars shall be exempted to any one family, and that the combined property of the family does not exceed five thousand dollars: First, Soldiers and sailors, who served in the military or naval service of the United States in the war of the rebellion and who were honorably discharged therefrom, and who, by reason of injury received or disease contracted while in such service and in the line of duty, lost the sight of both eyes, or lost the sight of one eye, the sight of the other having been previously lost, or who lost one or both feet, or one or both hands. Second, Soldiers and sailors who served as aforesaid and were honorably discharged as aforesaid, and who, as the result of disabilities contracted while in such service and in the line of duty, have become permanently incapacitated for the performance of manual labor to an extent equivalent, in the judgment of the assessors, to the loss of a hand or foot. Third, Wives or widows of soldiers or sailors who would be entitled to exemption under either of the two preceding paragraphs. If the property of a person entitled to such exemption is taxable in more than one city or town, such proportion of the total exemption shall be made in each city or town as the value of the property taxable in such city or town bears to the whole of the property taxable in the commonwealth.

Property of indigent, etc., persons. 1821, 107, § 6. R. S. 7, § 5, cl. 8. G. S. 11, § 5, cl. 13.

Household furniture, etc. 1821, 107, § 2. 1829, 27, § 2. R. S. 7, § 5, cl. 4. G. S. 11, § 5, cl. 7.

Young cattle, etc. 1821, 107, § 2. R. S. 7, § 5, cl. 6.

Property of soldiers and sailors. 1894, 315. 1895, 202. 1897, 148. 1898, 370. R. L. 12, § 5, cl. 13. 1907, 367. *Provisos.*

The certificate of the granting of a pension to any such soldier or sailor by the United States for such injury or disability shall, while such pension continues, be sufficient evidence of the receiving of such injury or disability; but the assessors may receive other evidence thereof. A person aggrieved by the judgment of the assessors may appeal to the county commissioners, within the time and in the manner allowed by the provisions of section seventy-six.

Exemption  
from taxation  
of certain  
veterans,  
1906, 315, § 1.  
1907, 367.

Provisos.

1906, 315, § 2.

Certain bonds.  
1906, 493.  
1908, 464, § 1;  
594.

Fourteenth, Soldiers and sailors who served in the military or naval service of the United States in the war of the rebellion, and who were honorably discharged therefrom, shall be assessed for, but shall be exempt, at their request, from the payment of a poll tax, and the property of soldiers and sailors who served as aforesaid and were honorably discharged as aforesaid, but who would not be entitled to exemption under the preceding clause, and the property of the wives or widows of such soldiers or sailors, shall be exempted from taxation to the amount of one thousand dollars in the case of each person: *provided*, that the combined estate, real and personal, of the person so exempted and of the husband or wife of such person does not exceed in value the sum of five thousand dollars, exclusive of the value of the mortgage interest, held by persons other than the person to be exempted in such mortgaged real estate as may be included in said combined estate; and *provided, further*, that the combined exemption of such a soldier or sailor and his wife shall not exceed one thousand dollars. If the property taxable in the commonwealth of a person entitled to such exemption is taxable in more than one city or town, such proportion of the total exemption shall be made in each city or town as the value of the property taxable in such city or town bears to the whole of the property taxable in the commonwealth. The widows of soldiers and sailors who served as aforesaid and who lost their lives in the war of the rebellion shall be entitled to such exemption as is specified in the preceding clause. No exemption shall be made under the provisions of this clause of the property of a person who is not a legal resident of this commonwealth.

Fifteenth, Bonds or certificates of indebtedness of the commonwealth issued since the first day of January in the



year nineteen hundred and six, and bonds, notes and certificates of indebtedness of any county, fire district, water supply district, city or town in the commonwealth which may be issued on or after the first day of May in the year nineteen hundred and eight, stating on their face that they are exempt from taxation in Massachusetts.

SECTION 6. Land upon which pines, chestnuts, larches, spruces, hemlocks, walnuts, hickories, American and large-toothed poplars, yellow and paper birches, beeches, maples, basswoods, or ash timber trees, or others when approved by the state forester, have been set out or planted to the number of not less than six hundred per acre, and which by such setting out or planting has become evenly stocked with such trees to the number of not less than twelve hundred per acre, including in such number the trees growing naturally upon said land, shall be exempt from taxation for a period of ten years after the said trees have grown in height two feet on the average, upon satisfactory proof by the owners to the assessors of the foregoing facts: *provided*, that at the time when the trees are planted or set out the said land is not woodland or sproutland, or land containing more than six hundred standing trees to the acre, and does not exceed in value ten dollars per acre; and *provided, further*, that such exemption shall not extend beyond the time during which said land is devoted exclusively to the growth of said trees.

Plantations of certain varieties of trees.  
1878, 131.  
1880, 109.  
P. S. 11, § 7.  
R. L. 12, § 6.  
1908, 120.  
111 Mass. 473.  
118 Mass. 386.  
137 Mass. 272.

Provisos.

SECTION 7. Persons or partnerships owning an interest in any ship or vessel which has during the period of its business in the year preceding the first day of May been engaged in the foreign carrying trade shall annually, within thirty days after the first day of May, make a return under oath to the assessors of the city or town where such persons reside or where such partnerships are taxable under the provisions of section twenty-eight, respectively, setting forth the name of the ship or vessel, their interest therein, and the value of such interest. If the assessors are satisfied of the truth of the return they shall assess an excise tax of one third of one per cent upon such interest; and the person or partnership making such return shall be exempt from any tax upon said interest other than that assessed under the provisions of this section.

Ships and vessels engaged in the foreign carrying trade.  
Return to assessors of valuation.  
1881, 284.  
§§ 1-6.  
P. S. 11,  
§§ 8-10.  
1887, 373.  
1889, 286.  
1891, 116.  
1893, 149.  
1898, 353.  
R. L. 14,  
§§ 7-9.  
1902, 374, § 3;  
375.  
137 Mass. 272.  
198 U. S. 299.

SECTION 8. Property held by a city or town in another city or town for the purpose of a water supply, if

Land held by a city or town in another city

or town for a  
water supply.  
1893, 352, § 1.  
R. L. 12, § 10.  
180 Mass. 32.

yielding no rent, shall not be liable to taxation therein, but the city or town so holding it shall, annually in September pay to the city or town in which such property lies, an amount equal to that which such place would receive for taxes upon the average of the assessed values of such land, without buildings or other structures, for the three years last preceding the acquisition thereof, the valuation for each year being reduced by all abatements thereon; but any part of such land or buildings from which any revenue in the nature of rent is received shall be subject to taxation.

Valuation of  
such land.  
1893, 352, § 2.  
R. L. 12, § 11.

SECTION 9. If such land is part of a larger tract which has been assessed as a whole, its assessed valuation shall be taken to be that proportional part of the valuation of the whole tract which the value of the land so acquired, exclusive of buildings, bore in the year of assessment to the value of the entire estate.

Appeal from  
such valuation.  
1893, 352,  
§§ 2, 3.  
R. L. 12, § 12.  
1903, 161.

SECTION 10. The assessors of a city or town in which land is acquired by another city or town for the purpose of a water supply shall, within one year after such acquisition, determine the said average valuation of such land, and certify the amount so determined to such other city or town. The mayor of a city or the selectmen of a town, within six months after receipt of said certificate, may appeal from such determination to the superior court for the county where the land lies; and said court shall determine such valuation in the manner provided in the two preceding sections, and the provisions of sections seventy-seven and seventy-eight, so far as applicable, shall govern such appeal.

If land within any city or town shall have been taken from such city or town for said purposes, and for any one of the three years prior to the taking shall have been used for any public purpose, and for that reason no taxes shall have been collected thereon, the city or town and the board or officer having charge of the water supply may within six years after the taking agree as to the value of the land upon which the annual payment is to be made as aforesaid from the time of the taking, and if they cannot agree the board or officer shall notify the city or town thereof; and thereupon the value shall be determined by the superior court under the provisions of said sections seventy-seven and seventy-eight, and said notice shall be

deemed to be the notice referred to in said section seventy-seven. The provisions of this section and of the two preceding sections shall apply to property acquired for the purposes of the metropolitan water supply.

SECTION 11. The real estate and machinery of every private corporation organized under general or special laws of the commonwealth for the purpose of carrying on within the commonwealth the business of a water company, except such corporations as by charter have been made exempt from taxation, shall be subject to local taxation.

Real estate and machinery of water companies.  
1907, 329.  
1908, 193.  
192 Mass. 491.

SECTION 12. The lands of the commonwealth, situate in that part of the city of Boston called South Boston and known as the Commonwealth Flats, shall, if leased for business purposes, be taxed by the city of Boston to the lessees thereof, respectively, in the same manner as the lands and buildings thereon would be taxed to such lessees if they were the owners of the fee, except that the payment of the tax shall not be enforced by any lien upon or sale of the lands; but a sale of the leasehold interest therein and of the buildings thereon may be made by the collector of the city of Boston in the manner provided by law in case of non-payment of taxes for selling real estate, for the purpose of enforcing the payment of the taxes by such lessees to the city of Boston assessed under the provisions hereof.

Leasehold estates on the Commonwealth Flats.  
1904, 385.  
193 Mass. 387, 586.

WHERE AND TO WHOM POLLS AND PROPERTY SHALL BE ASSESSED.

SECTION 13. The poll tax shall be assessed upon each person liable thereto in the city or town of which he is an inhabitant on the first day of May in each year, except in cases otherwise provided for by law. The poll tax of minors liable to taxation shall be assessed to, and in the place of the residence of, the parents, masters or guardians having control of the persons of such minors; but if a minor has no parent, master or guardian within the commonwealth, he shall be personally taxed for his poll, as if he were of full age. The poll tax of every other person under guardianship shall be assessed to his guardian in the place where the guardian is taxed for his own poll. In a city each inhabitant liable to assessment shall be assessed in the ward where he dwells; but no tax shall be

Poll tax, where assessed.  
1780, 43.  
1821, 107, § 3.  
1830, 151, § 3.  
R. S. 7, § 6.  
G. S. 11, § 6.  
1876, 225, §§ 1, 7.  
P. S. 11, § 11.  
R. L. 12, § 13.  
5 Pick. 369.  
1 Met. 242, 250.  
3 Met. 199.  
4 Met. 181.  
11 Cush. 362.  
12 Cush. 44, 52, 54.  
2 Gray, 484.  
3 Gray, 493.  
7 Gray, 299.  
9 Gray, 357.  
12 Gray, 21.  
16 Gray, 337.

4 Allen, 462.  
12 Allen, 111,  
598.  
124 Mass. 53,  
132.

Person to be  
taxed in place  
where he  
claims his  
residence.  
1850, 276.  
G. S. 11, § 7.  
P. S. 11, § 12.  
R. L. 12, § 14.

Land, where  
and to whom  
taxed.  
1780, 43.  
1830, 151, § 3.  
R. S. 7, § 7.  
G. S. 11, § 8.  
1881, 304, § 3.  
P. S. 11, § 13.  
1889, 84.  
R. L. 12, § 15.  
1902, 113.  
1 Cush. 142.  
7 Gray, 127,  
277.  
4 Allen, 57.  
110 Mass. 47.  
112 Mass. 535.  
115 Mass. 32.  
117 Mass. 233.  
129 Mass. 378.  
132 Mass. 94.

Taxation of  
mortgaged  
land.  
1881, 304, § 1.  
P. S. 11, § 14.  
1882, 175, § 3.  
R. L. 12, § 16.  
135 Mass. 569.  
137 Mass. 80.  
159 Mass. 551.  
179 Mass. 41,  
74.  
193 Mass. 190.

Statements of  
mortgage con-  
clusive on  
mortgagee,  
when.

invalid by reason of a mistake of the assessors in ascer-  
taining the ward in which a person should be assessed.

126 Mass. 161, 166.

132 Mass. 93.

137 Mass. 272.

SECTION 14. A person liable to a poll tax, who is in a city or town on the first day of May, and who, when inquired of by the assessors thereof, refuses to state his legal residence, shall for the purpose of taxation be deemed an inhabitant of such place. If he designates another place as his legal residence, said assessors shall notify the assessors of such other place, who shall thereupon tax him as an inhabitant thereof; but he shall not be exempt from the payment of a tax legally assessed upon him in his legal domicile.

SECTION 15. Taxes on real estate shall be assessed, in the city or town in which the estate lies, to the person who is either the owner or in possession thereof on the first day of May, and the person appearing of record, in the records of the county, or of the district, if such county is divided into districts, in which the estate lies, as owner on the first day of May, even though deceased, shall be held to be the true owner thereof. Except as provided in the three following sections, mortgagors of real estate shall for the purpose of taxation be deemed the owners until the mortgagee takes possession, after which the mortgagee shall be deemed the owner.

138 Mass. 434.

148 Mass. 510.

175 Mass. 293.

186 Mass. 128.

139 Mass. 19.

149 Mass. 269.

180 Mass. 65.

192 Mass. 278.

143 Mass. 337.

152 Mass. 203.

185 Mass. 114, 398.

SECTION 16. If any person has an interest in real estate, not exempt from taxation under section five, as holder of a duly recorded mortgage given to secure the payment of a fixed and certain sum of money, the amount of his interest as mortgagee shall be assessed as real estate in the place where the land lies; and the mortgagor shall be assessed only for the value of such real estate after deducting the assessed value of the interest therein of such mortgagee. If such estate is situated in two or more places, the amount of the mortgagee's interest to be assessed in each place shall be proportioned to the assessed value of the mortgaged real estate in the respective places, deducting therefrom the taxable amount of prior mortgages, if any, thereon.

SECTION 17. If the holder of such mortgage fails to file in the assessors' office a statement under oath of all his estate liable to taxation under the preceding section,

including a statement of the full amount remaining unpaid upon such mortgage and of his interest therein, the amount stated in the mortgage shall be conclusive as to the extent of such interest; but his interest in such real estate shall not be assessed at a greater sum than the fair cash valuation of the land and the structures thereon or affixed thereto; and the amount of a mortgage interest in an estate which has been divided after the creation of such mortgage need not be apportioned upon the several parts of such estate, except as provided in sections eighty-eight to ninety inclusive. Whenever, in any case of mortgaged real estate, a statement is not brought in as herein provided, no tax on such real estate for the year then current shall be invalidated for the reason that a mortgagee's interest therein has not been assessed to him.

1881, 304, § 2.  
P. S. 11, § 15.  
R. L. 12, § 17.  
1902, 112.  
159 Mass. 553.  
179 Mass. 41.  
193 Mass. 190.

SECTION 18. Mortgagors and mortgagees referred to in the two preceding sections shall for the purpose of taxation be deemed joint owners until the mortgagee takes possession; and until such possession is taken by a first mortgagee, an assessor or the collector of taxes, upon application, shall give to any such mortgagee or mortgagor a tax bill showing the whole tax on the mortgaged estate and the amount included in the valuation thereof as the interest of each mortgagee and of the mortgagor respectively. If the first mortgagee is in possession, he shall be deemed sole owner; and any other mortgagee in possession shall be deemed joint owner with prior mortgagees.

Mortgagors and mortgagees joint owners for taxation.  
1881, 304, § 3.  
P. S. 11, § 16.  
R. L. 12, § 18.  
137 Mass. 80,  
273.  
159 Mass. 553.  
179 Mass. 41.  
193 Mass. 190.

SECTION 19. Bonds issued by the New York and New England Railroad Company for the payment of which first mortgages made as provided in chapter three hundred and one of the acts of the year eighteen hundred and eighty-eight are held as collateral security, and also the mortgage notes so held as collateral security shall, for the purpose of taxation and for the purpose of exemption of deposits in savings banks and institutions for savings from taxation, be deemed to be a loan on mortgage of real estate, taxable as real estate, and not otherwise.

Certain railroad bonds to be deemed mortgages on real estate.  
1889, 348.  
R. L. 12, § 19.

SECTION 20. If a tenant paying rent for real estate is taxed therefor, he may retain out of his rent the taxes paid by him, or may recover the same in an action against his landlord, unless there is a different agreement between them.

Tenant may recover of landlord taxes paid.  
1821, 107, § 3.  
1830, 151, § 3.  
R. S. 7, § 8.  
G. S. 11, § 9.  
P. S. 11, § 17.

R. L. 12, § 20.

115 Mass. 32.

142 Mass. 568.

189 Mass. 182.



Real estate of decedent, how taxable.  
Heirs, etc., severally liable.  
Contribution.  
R. S. 7, § 12.  
G. S. 11, § 10.  
P. S. 11, § 18.  
R. L. 12, § 21.  
149 Mass. 270.  
152 Mass. 219.

—how taxable if title doubtful, etc.  
1847, 226.  
G. S. 11, § 11.  
P. S. 11, § 19.  
R. L. 12, § 22.  
149 Mass. 270.

Assessment of personal estate.  
1830, 151, § 2.  
R. S. 7, §§ 9, 10.  
1839, 139, § 2.  
G. S. 11, § 12.  
P. S. 11, § 20.  
R. L. 12, § 23.  
1 Met. 242, 250.

—except stock in trade, etc., employed in other places.  
1821, 107, § 5.  
1830, 151, § 2.  
R. S. 7, § 10, cl. 1.  
1839, 139, § 1.  
1859, 114.  
G. S. 11, § 12, cl. 1.  
P. S. 11, § 20, cl. 1.  
R. L. 12, § 23, cl. 1.  
1903, 437, § 71.  
4 Met. 186.  
4 Cush. 543.  
10 Cush. 65.  
6 Gray, 579.  
13 Gray, 491.  
101 Mass. 329.  
139 Mass. 17, 266.  
145 Mass. 110.

Machinery employed in manufacturing.  
1830, 151, § 2.  
R. S. 7, § 10, cl. 2.

SECTION 21. The undivided real estate of a deceased person may be assessed to his heirs or devisees, without designating any of them by name, until they have given notice to the assessors of the division of the estate and of the names of the several heirs or devisees; and each heir or devisee shall be liable for the whole of such tax, and when paid by him he may recover of the other heirs or devisees their respective proportions thereof.

SECTION 22. The real estate of a person deceased, the right or title to which is doubtful or unascertained by reason of litigation concerning the will of the deceased or the validity thereof, may be assessed in general terms to his estate, and said tax shall constitute a lien upon the land so assessed and may be enforced by sale of the same or a part thereof, as provided for enforcing other liens for taxes on real estate.

SECTION 23. All personal estate, within or without the commonwealth, shall be assessed to the owner in the city or town in which he is an inhabitant on the first day of May, except as provided in Part III and in the following clauses of this section:—

4 Met. 181.	9 Gray, 433.	103 Mass. 279.	126 Mass. 161.	158 Mass. 461.
10 Cush. 65.	13 Gray, 488.	104 Mass. 587.	166.	180 Mass. 40.
11 Cush. 362.	16 Gray, 292.	109 Mass. 270.	131 Mass. 424.	458.
3 Gray, 494.	337.	112 Mass. 384.	132 Mass. 93.	181 Mass. 162.
6 Gray, 579.	9 Allen, 246.	124 Mass. 143.	135 Mass. 258.	195.
7 Gray, 277.	14 Allen, 366.	125 Mass. 348.	137 Mass. 332.	187 Mass. 168.

First, Goods, wares, merchandise, capital employed in business and stock in trade, except ships or vessels owned by a copartnership, and stock employed in the business of manufacturing or of the mechanic arts in cities or towns in the commonwealth, other than those in which the owners reside, whether such owners reside within or without the commonwealth, shall be taxed in the cities or towns in which the owners hire or occupy manufactories, stores, hotels, or offices, shops or wharves, whether such property is in said places or elsewhere on the first day of May of the year when the tax is assessed. The merchandise of a foreign corporation shall be assessed in the city or town where it is situated.

150 Mass. 155.	161 Mass. 9.	187 Mass. 168.	194 Mass. 127.
151 Mass. 242.	326.	193 Mass. 545.	195 Mass. 385.

Second, Machinery employed in any branch of manufactures including machines used or operated under a stipulation providing for the payment of a royalty, or compensation in the nature of a royalty, for the privilege of using

or operating the same, and all personal property within the commonwealth leased for profit, shall be assessed where such machines or such personal property are located, to the owner or any person having possession of the same on the first day of May. If machinery, located in a city or town other than that of which the owner is an inhabitant, is assessed therein and it is also assessed in the place of which the owner is an inhabitant, he may pay the taxes in the place where the machinery is located, and upon proof thereof to the collector of the place whereof he is an inhabitant, he shall be relieved from the payment of taxes therein on said machinery; but the place of which the owner is an inhabitant may bring suit against the place where the machinery is located to determine to which place the tax lawfully belongs.

Third, Horses, mules, neat cattle, sheep and swine kept throughout the year in cities or towns other than those in which the owners reside, whether such owners reside within or without the commonwealth, and horses employed in stages or other vehicles for the transportation of passengers for hire shall be assessed to the owners in the places where they are kept.

8 Allen, 330. 130 Mass. 478. 145 Mass. 110. 152 Mass. 594.

Fourth, Personal property belonging to persons under guardianship shall be assessed to the guardian in the city or town of which the ward is an inhabitant unless the ward resides and has his home without the commonwealth, in which case it shall be taxed to the guardian in the city or town of which he is an inhabitant.

R. L. 12, § 23, cl. 4. 2 Gray, 494. 4 Allen, 462. 105 Mass. 528. 145 Mass. 111.

Fifth, Personal property held in trust by an executor, administrator or trustee, the income of which is payable to another person, shall be assessed to the executor, administrator or trustee in the city or town in which such other person resides, if within the commonwealth; and if he resides out of the commonwealth it shall be assessed in the place where the executor, administrator or trustee resides; and if there are two or more executors, administrators or trustees residing in different places, the property shall be assessed to them in equal portions in such places, and the tax thereon shall be paid out of said income. If the executor, administrator or trustee is not an inhabitant of the commonwealth, it shall be assessed to the person to whom the income is payable, in the place where

1837, 86.  
G. S. 11, § 12,  
cl. 2.  
P. S. 11, § 20,  
cl. 2.  
1887, 125.  
1889, 446.  
1894, 304.  
R. L. 12, § 23,  
cl. 2.  
4 Met. 181,  
185.  
13 Gray, 488.  
12 Allen, 75,  
316.  
100 Mass. 183.  
135 Mass. 258.  
150 Mass. 155.  
152 Mass. 372.  
164 Mass. 142.  
167 Mass. 517.  
170 Mass. 354.  
181 Mass. 211.  
193 Mass. 274.

Horses, etc.  
1821, 107, § 3.  
1830, 151, § 2.  
R. S. 7, § 10,  
cl. 3.  
1839, 139, § 2.  
1857, 301, § 1.  
G. S. 11, § 12,  
cl. 3.  
P. S. 11, § 20,  
cl. 3.  
R. L. 12, § 23,  
cl. 3.

Property of  
persons under  
guardianship.  
R. S. 7, § 10,  
cl. 4.  
1855, 106.  
1859, 258.  
G. S. 11, § 12,  
cl. 4.  
P. S. 11, § 20,  
cl. 4.

Trust  
property.  
R. S. 7, § 10,  
cl. 5.  
G. S. 11, § 12,  
cl. 5.  
P. S. 11, § 20,  
cl. 5.  
1894, 490.  
R. L. 12, § 23,  
cl. 5.  
5 Cush. 93.  
6 Gray, 132.  
6 Allen, 277.  
105 Mass. 528.  
124 Mass. 194.  
140 Mass. 346.  
145 Mass. 111.  
147 Mass. 431.  
165 Mass. 287.  
180 Mass. 40.  
184 Mass. 460.  
194 Mass. 44.

he resides, if it is not legally taxed to an executor, administrator or trustee under a testamentary trust in any other state.

Personal property held as an accumulating fund.  
R. S. 7, § 10, cl. 6.  
G. S. 11, § 12, cl. 6.  
P. S. 11, § 20, cl. 6.  
R. L. 12, § 23, cl. 6.  
13 Allen, 267.

Sixth, Personal property placed in the hands of a corporation or individual as an accumulating fund for the future benefit of heirs or other persons shall be assessed to such heirs or persons, if within the commonwealth, otherwise to the person so placing it, or his executors or administrators, until a trustee is appointed to take charge of such property or of the income thereof.

121 Mass. 351. 123 Mass. 355. 124 Mass. 193. 147 Mass. 427.

— of decedents.  
R. S. 7, § 10, cl. 7.  
1848, 235.  
1852, 234.  
G. S. 11, § 12, cl. 7.  
1878, 189, § 2.  
P. S. 11, § 20, cl. 7.  
R. L. 12, § 23, cl. 7.  
5 Pick. 236.  
4 Cush. 1.  
6 Allen, 277.  
97 Mass. 322.  
102 Mass. 348.  
123 Mass. 376.  
149 Mass. 63.  
154 Mass. 143.  
161 Mass. 9.  
176 Mass. 77.  
182 Mass. 195.

Seventh, Personal property of deceased persons shall be assessed in the city or town in which the deceased last dwelt. Before the appointment of an executor or administrator it shall be assessed in general terms to the estate of the deceased, and the executor or administrator subsequently appointed shall be liable for the tax so assessed as though assessed to him. After such appointment it shall be assessed to such executor or administrator for three years or until it has been distributed and notice of such distribution has been given to the assessors stating the name and residence of the several parties interested in the estate who are inhabitants of the commonwealth and the amount paid to each. After three years from the date of such appointment it shall be assessed according to the provisions of clause Fifth of this section.

— of insolvents, etc.  
1882, 165.  
R. L. 12, § 23, cl. 8.  
180 Mass. 40.

Eighth, Personal property taxable as such, held in trust by assignees under the insolvent law or under any bankrupt law or any voluntary assignment for the benefit of creditors, shall be assessed to such assignees in the place where the insolvent, bankrupt or assignor had his principal place of business, if any; otherwise in the place of his residence.

— of joint tenants.  
1882, 165.  
R. L. 12, § 23, cl. 9.

Ninth, Personal property of joint owners or tenants in common, other than partners, shall be assessed to such owners according to their respective interests, in the cities or towns in which they respectively reside.

Assessment of underground conduits, etc.  
1902, 342, § 1.  
193 Mass. 274.

Tenth, Underground conduits, wires and pipes laid in public streets by any corporation, except street railway companies, shall be assessed to the owners thereof in the cities or towns in which they are laid.

Separate assessment of personal property held in

SECTION 24. If personal property belonging to two or more persons under guardianship, or personal property

held in trust by an executor, administrator or trustee, the income of which is payable to two or more persons, or if personal property placed in the hands of a corporation or individual as an accumulating fund for the future benefit of two or more heirs or other persons, is assessed under the preceding section by the assessors of a city or town in whole or in part, they shall, upon request in writing, made within the time specified by them for the bringing in of lists under the provisions of section forty-one and stating the names, domiciles and proportionate shares of such wards, cestuis que trust, heirs or other persons, make separate assessments so as to distinguish how much of such personal property is assessed in respect to each. If any such assessment is illegally made, the taxes paid thereon may be recovered back in an action at law in the same manner as in other cases of illegal assessment.

trust for several beneficiaries.  
1878, 189, § 1.  
P. S. 11, § 21.  
R. L. 12, § 24.  
124 Mass. 193.  
145 Mass. 111.  
165 Mass. 292.

SECTION 25. Real estate held by a religious society as a ministerial fund shall be assessed to its treasurer in the town in which it lies. Personal property so held shall be assessed in the town in which such society usually holds its meetings.

Ministerial fund.  
R. S. 7, § 10,  
cl. 8.  
G. S. 11, § 13.  
P. S. 11, § 22.  
R. L. 12, § 25.  
19 Pick. 542.

12 Cush. 54.

147 Mass. 398.

185 Mass. 310.

SECTION 26. Personal property mortgaged or pledged shall for the purpose of taxation be deemed the property of the party in possession thereof on the first day of May and money deposited with a safe deposit, loan and trust company which can be withdrawn on demand or upon not more than ten days' notice shall be deemed to be money in possession of the person to whom it is payable.

Personal property mortgaged.  
R. S. 7, § 11.  
G. S. 11, § 14.  
P. S. 11, § 23.  
1888, 413,  
§ 20.  
R. L. 12, § 26.  
10 Met. 334.  
10 Allen, 100.  
193 Mass. 522.

SECTION 27. Partners, whether residing in the same or in different cities or towns, may be jointly taxed under their firm name, in the place where their business is carried on, for all the personal property employed in such business, except ships or vessels. If partners have places of business in two or more towns, they shall be taxed in each of such places for the proportion of property employed therein. If so jointly taxed, each partner shall be liable for the whole tax.

Partners, how taxed.  
R. S. 7, § 13.  
1859, 114.  
G. S. 11, § 15.  
P. S. 11, § 24.  
R. L. 12, § 27.  
9 Cush. 298.  
7 Gray, 132.  
14 Allen, 366.  
105 Mass. 526.  
111 Mass. 322.  
125 Mass. 351.  
130 Mass. 144.  
138 Mass. 499.  
137 Mass. 227.

140 Mass. 346.

163 Mass. 444.

172 Mass. 383, 464.

SECTION 28. Ships or vessels owned by a partnership shall be assessed to the several partners in their places of residence, if within the commonwealth, proportionally to their interests therein; but the interests of the several

Ships of co-partners, how assessed.  
1859, 114.  
G. S. 11, § 16.  
1870, 328, § 1.  
P. S. 11, § 25.



R. L. 12, § 28. partners who reside without the commonwealth shall be  
 10 Gray, 97. assessed to the partnership in the place where its business  
 14 Allen, 369. is carried on.  
 125 Mass. 351.

#### EVASION OF TAXATION.

Agreement for under valuation as inducement to residence.  
 G. S. 11, § 26.  
 P. S. 11, § 26.  
 R. L. 12, § 29.  
 12 Allen, 599.

SECTION 29. Whoever in any way directly or indirectly proposes or agrees to an assessment on any specific or limited amount less than that for which he is liable by law to be taxed, with the purpose or as an inducement to make any particular place his residence for the purpose of taxation, shall be punished by a fine of one thousand dollars; and an assessor guilty of making or assenting to any such proposal shall be subject to a like penalty.

Evasion of taxation, etc., by concealment of residence, etc.  
 1864, 172,  
 §§ 1, 2.  
 P. S. 11, § 27.  
 R. L. 12, § 30.  
 124 Mass. 56,  
 148.  
 147 Mass. 592.

SECTION 30. Whoever avoids taxation by wilfully and designedly changing or concealing his residence, or by any other act with the intent so to avoid taxation, shall be punished by a fine of twice the amount of the last tax paid by him, or, if he has paid no tax in the commonwealth, by a fine of not less than one hundred nor more than five thousand dollars; and he may be indicted in the county in which any of the acts or things made criminal by the provisions of this section are done or in the county in which he is liable to taxation.

For fraudulent transfers of stock.  
 1864, 201, § 4.  
 P. S. 11, § 28.  
 R. L. 12, § 31.  
 13 Gray, 539.

SECTION 31. A shareholder in a corporation who, with intent to evade taxation, fraudulently transfers a share of its stock, or fraudulently causes or procures a certificate of a share to be issued to any person other than himself or in any name other than his own; or who refuses to inform, or wilfully misinforms, the corporation respecting his name or residence; or, having changed his residence to another city or town in the commonwealth, wilfully omits to give notice thereof to any corporation in the commonwealth in which he is a shareholder, shall forfeit one half of the par value of the shares so transferred, issued to, or owned by him in the stock of such corporation to the use of the city or town in which he resides.

False returns or lists to assessors.  
 1869, 190.  
 P. S. 11, § 29.  
 R. L. 12, § 32.  
 112 Mass. 218.  
 134 Mass. 432.  
 137 Mass. 273.

SECTION 32. Whoever, with intent to defeat or evade the provisions of law as to the assessment or payment of taxes, delivers or discloses to an assessor or assistant assessor a false or fraudulent list, return or schedule of property, as and for a true list of his estate not exempt from taxation, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.



SECTION 33. Keepers of taverns and boarding houses and masters and mistresses of dwelling houses, shall, upon application of an assessor of the city or town in which their house is situated, give the names of all persons residing therein who are liable to be assessed for taxes. Every such keeper, master or mistress refusing to give such information, or knowingly giving false information, shall be punished by a fine of twenty dollars for each offence.

Refusal, etc., of information by keepers of taverns, etc.  
1837, 176.  
G. S. 11, § 21.  
P. S. 11, § 30.  
R. L. 12, § 33.  
137 Mass. 273.

DUTY AND MANNER OF ASSESSING TAXES.

SECTION 34. When a state tax is to be assessed, the treasurer and receiver general shall send his warrants for the assessment thereof by mail to the assessors of the several cities and towns.

P. S. 11, § 31.

R. L. 12, § 34.

Treasurer and receiver general to send his warrants.  
R. S. 7, § 14.  
G. S. 11, § 17.  
1867, 166.

SECTION 35. The assessors shall assess, according to the provisions of this part, state taxes for which they receive such warrants, county taxes duly certified to them, city or town taxes voted by their respective cities or towns and all taxes duly voted and certified by fire and other districts therein.

12 Met. 178.

117 Mass. 469.

119 Mass. 77.

126 Mass. 476.

Assessment of taxes pursuant to this part.  
1785, 50,  
§§ 4, 8.  
1821, 107, § 7.  
R. S. 7, § 16.  
G. S. 11, § 18.  
1870, 332, § 2.  
P. S. 11, § 32.  
R. L. 12, § 35.

SECTION 36. Assessors of cities and towns in which a national bank or banking association is located shall, for the purpose of ascertaining the rate at which taxes shall be assessed, omit from the valuation upon which the rate is to be based the value of all shares held by non-residents of said cities and towns, and no tax of any city or town shall be invalidated by reason of any excess, in consequence of the provisions of this section, of the amount of such tax over the amount to be raised.

Rate of taxation, how ascertained in places having national banks.  
1868, 349, § 5.  
1871, 390, § 4.  
1872, 321, § 13.  
1873, 315, § 4.  
P. S. 11, § 33.  
R. L. 12, § 36.  
101 Mass. 575.

SECTION 37. The assessors shall annually assess taxes to an amount not less than the aggregate of all amounts appropriated, granted or lawfully expended by their respective cities or towns since the last preceding annual assessment and not provided for therein, of all amounts which are required by law to be raised by taxation by the said cities or towns during said year and of all amounts necessary to satisfy final judgments against the said cities or towns; but such assessments shall not include liabilities for the payment of which cities or towns have lawfully voted to contract debts. The assessors may deduct the amount of all the estimated receipts of their respective cities or towns, except from loans or taxes, which are law-

Amount of annual assessment.  
Deductions.  
1875, 209, § 1.

fully applicable to the payment of the expenditures of the year from the amount required to be assessed; but such deduction shall not exceed the amount of such receipts during the preceding year.

Amount of annual assessment to include interest on debt for railroad subscriptions.  
1876, 133, § 3.  
P. S. 11, § 35.  
R. L. 12, § 38.

SECTION 38. The assessors of a city or town owing debts incurred to obtain funds for subscriptions for the capital stock and securities of a railroad corporation shall annually assess, in addition to the other amounts required by law, an amount sufficient to pay the excess of such interest payable by such city or town, over any income received from such stock or securities.

Penalty on assessors for neglect of duty. Appointment of substitutes.  
1785, 50, § 4.  
R. S. 7, §§ 17, 18.  
G. S. 11, § 19.  
P. S. 11, § 36.  
R. L. 12, § 39.

SECTION 39. If the assessors neglect to assess a state, county, town or district tax required by law, each assessor so neglecting shall forfeit not more than two hundred dollars; and the commissioners of the respective counties shall forthwith appoint other persons to assess such taxes who shall take the same oath, perform the same duties and be liable to the same penalties as assessors of cities and towns.

Liability of town, etc., to action for tax not assessed.  
1831, 64, §§ 2, 3.  
R. S. 8, § 37.  
G. S. 11, § 20.  
P. S. 11, § 37.  
R. L. 12, § 40.

SECTION 40. If within five months after the receipt of a warrant from the treasurer and receiver general or of a certificate from the county commissioners requiring the assessment of a tax, it is not assessed and certified as required by law, the amount of the tax may be recovered of the city or town where the neglect occurs in an action of contract by the treasurer and receiver general or the treasurer of the county respectively.

#### NOTICES AND LISTS.

Notice of assessment and lists of property.  
1785, 50, § 9.  
R. S. 7, § 19.  
G. S. 11, § 22.  
1877, 160, § 1.  
P. S. 11, § 38.  
1882, 175, § 2;  
217, §§ 1, 4.  
1888, 323.  
R. L. 12, § 41.  
1903, 157.  
12 Met. 211.  
8 Cush. 55.  
8 Gray, 511.  
1 Allen, 199.  
100 Mass. 272.  
101 Mass. 89.  
114 Mass. 224.  
131 Mass. 424.  
135 Mass. 566.  
137 Mass. 266.

SECTION 41. Assessors before making an assessment shall give seasonable notice thereof to all persons, firms and corporations, domestic or foreign, subject to taxation in their respective cities and towns. Such notice shall be posted in one or more public places in each city or town, or shall be given in some other sufficient manner, and shall require the said persons, firms and corporations to bring in to the assessors, before a date therein specified, in case of residents a true list of all their polls and personal estate not exempt from taxation, and in case of non-residents and foreign corporations a true list of all their personal estate in that city or town not exempt from taxation, and may or may not require such list to include their real estate

which is subject to taxation in that city or town. It shall also require all persons and corporations, except corporations making returns to the insurance commissioner as required by section nineteen of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven, to bring in to the assessors before a date therein specified, which shall not be later than the first day of July then following, unless the assessors for cause shown extend the time to the first day of August, true lists of all real and personal estate held by them respectively for literary, temperance, benevolent, charitable or scientific purposes on the preceding first day of May, or at the election of such corporation on the last day of its financial year last preceding said first day of May, and to state the amount of receipts and expenditures for said purposes during the year last preceding said days. The notice shall contain the provisions of section forty-five.

SECTION 42. The tax commissioner shall annually prepare instructions for bringing in the lists required by the preceding section, and shall prescribe forms therefor so arranged that the statement of the person, firm or corporation bringing it in will include all assessable property held by such person, firm or corporation, and the assessors shall furnish blank lists containing such instructions and forms to any person, firm or corporation liable to taxation. The tax commissioner shall also cause forms for the lists and statements required by the preceding section relative to property held for literary, benevolent, charitable or scientific purposes to be printed and distributed to assessors.

SECTION 43. The assessors shall in all cases require a person, firm or corporation bringing in a list to make oath that it is true. The oath may be administered by any of the assessors or by their secretary or head clerk. If the person, firm or corporation bringing such list is absent from the place in which the tax is to be assessed during the whole period when such oath may be made, it may be administered by a notary public, whose jurat shall be duly authenticated by his seal.

SECTION 44. Such lists shall be open to the inspection of the assessors, their assistants and clerks and of the tax commissioner and his deputy, but so much of the lists as shows the details of the personal estate to that of

154 Mass. 147.  
160 Mass. 217.  
166 Mass. 298.  
179 Mass. 486.  
186 Mass. 361.  
193 Mass. 168.  
189 U. S. 255.

Form of lists.  
1882, 217, § 3.  
1894, 294.  
R. L. 12, § 42.

—to be verified by oath.  
1785, 50, § 9.  
R. S. 7, § 20.  
G. S. 11, § 23.  
P. S. 11, § 39.  
1891, 381.  
R. L. 12, § 43.  
1 Allen, 199.  
101 Mass. 89.  
131 Mass. 424.  
193 Mass. 168.

Inspection of lists.  
1898, 507, § 1.  
R. L. 12, § 44.

no other person except by the order of a court. The lists shall be preserved by the assessors until the tax commissioner orders them to be destroyed.

Returns by  
mortgagor or  
mortgagee.  
1882, 175, § 1.  
R. L. 12, § 45.  
179 Mass. 40.  
185 Mass. 398.

SECTION 45. A mortgagor or mortgagee of real estate may bring in to the assessors of the city or town in which it lies, within the time prescribed by the notice under section forty-one, a statement under oath of the amount secured thereon or on each separate parcel thereof, with the name and residence of every holder of an interest therein as mortgagor or mortgagee. If such property is situated in two or more places, or if a recorded mortgage includes two or more estates or parts of an estate as security for one sum, such statement shall include an estimate of the interest of the mortgagee in each estate or part of an estate. The assessors shall, from such statement or otherwise, ascertain the proportionate interests of the mortgagor or mortgagee respectively in said estates, and shall assess the same accordingly. If, in any year, such statement is not brought in, the tax for that year on such real estate shall not be invalid merely for the reason that the interest of the mortgagee therein has not been assessed to him.

Lists to be  
taken as true,  
unless.  
1785, 50, § 9.  
R. S. 7, § 22.  
G. S. 11, § 25.  
P. S. 11, § 40.  
R. L. 12, § 46.  
12 Met. 211.  
8 Cush. 64.  
10 Allen, 100.

SECTION 46. They shall receive as true, except as to valuation, the list brought in by each person, firm or corporation, unless, on being thereto required by the assessors, such person, firm or corporation refuses to answer on oath all necessary inquiries as to the nature and amount of their property.

112 Mass. 218. 131 Mass. 424. 134 Mass. 431. 166 Mass. 298. 193 Mass. 522.

Estimate of  
value, in de-  
fault of list.  
1785, 50, § 1.  
R. S. 7, § 23.  
G. S. 11, § 27.  
P. S. 11, § 41.  
R. L. 12, § 47.  
8 Cush. 63.  
2 Allen, 594.  
130 Mass. 565.

SECTION 47. They shall ascertain as nearly as possible the particulars of the personal estate, and of the real estate in possession or occupation, as owner or otherwise of any person, firm or corporation which has not brought in such list, and shall estimate its just value, according to their best information and belief.

137 Mass. 270. 152 Mass. 372. 179 Mass. 486. 189 U. S. 255.

— to be con-  
clusive, when.  
1785, 50, § 9.  
R. S. 7, § 24.  
G. S. 11, § 28.  
P. S. 11, § 42.  
R. L. 12, § 48.  
4 Met. 181.  
5 Cush. 97.  
8 Cush. 63.

SECTION 48. Such estimate shall be entered in the valuation book, and, except as provided in sections forty-one and seventy-three, shall be conclusive upon any person, firm or corporation which has not seasonably brought in such list, unless such person, firm or corporation can show a reasonable excuse for the omission.

Last assess-  
ment on ex-  
ecutor, etc.,  
to be deemed

SECTION 49. After personal property has been legally assessed in any city or town to an executor, administrator

or trustee, an amount not less than that last assessed by the assessors of such city or town in respect of such property shall be deemed to be the sum assessable, until a true list of such property is brought in to the assessors in accordance with the provisions of section forty-one.

the valuation in default of list.  
1878, 189, § 3.  
P. S. 11, § 44.  
R. L. 12, § 50.  
154 Mass. 146.

# ASSESSMENT OF TAXES.

SECTION 50. The assessors of each city and town shall at the time appointed therefor make a fair cash valuation of all the estate, real and personal, subject to taxation therein, and, in cities, the assessors may, in any year, divide any ward into convenient assessment districts.

4 Gray, 254.

152 Mass. 372.

163 Mass. 283.

SECTION 51. The assessors may include state, county and town taxes, or any two of them, in the same assessment.

Valuation.  
1785, 50, § 1.  
R. S. 7, § 24.  
1853, 319, § 1.  
G. S. 11, § 24.  
P. S. 11, § 45.  
1889, 115, § 50.  
R. L. 12, § 51.

State, county and town taxes in one assessment.  
1785, 50, § 14.

1823, 138, § 2. R. S. 7, § 25. G. S. 11, § 29. P. S. 11, § 46. R. L. 12, § 52.

SECTION 52. In the city of Boston all taxes assessed for county or city purposes may be assessed separately as county taxes and as city taxes, or under the name of city taxes only, as the city council shall direct. The city of Chelsea and the towns of Revere and Winthrop shall not be taxed for county purposes.

County and city taxes in Boston.  
1821, 109, § 13.  
R. S. 7, § 26;  
14, § 34.  
G. S. 11, § 30.  
P. S. 11, § 47.  
R. L. 12, § 53.  
21 Pick. 64.

SECTION 53. The taxes assessed on property exclusive of the state tax, county tax and sums required by law to be raised on account of the city debt shall not in any year exceed twelve dollars in any city on every one thousand dollars of the assessors' valuation of the taxable property therein for the preceding year, said valuation being first reduced by the amount of all abatements allowed thereon previous to the thirty-first day of December in the year preceding said assessment, subject to the following provisions: — If the city council of a city which contains less than one hundred thousand inhabitants according to the last preceding national or state census so determines, the average of the assessors' valuation of the taxable property therein for the preceding three years, said valuation for each year being first reduced by the amount of all abatements allowed thereon previous to the thirty-first day of December in the year preceding said assessment, shall be used to determine said limit of taxation instead of said assessors' valuation of the preceding year. In the city of Boston, and in all cities which contain one hundred thousand inhabitants or more according to the

Rate of taxation in cities.  
1885, 178, § 1;  
312, § 1.  
1887, 281.  
1893, 247, 445.  
1900, 399.  
1901, 264.  
R. L. 12, § 54.



census aforesaid, said average shall be so used. In the city of Boston, said taxes shall not exceed ten and one half dollars instead of twelve dollars as aforesaid. Any order or appropriation requiring a larger assessment than is herein limited shall be void. The provisions of this section shall not affect any existing exemption from the operation of the corresponding provisions of earlier laws.

#### Overlay of taxes.

1785, 50, § 11.  
1828, 143, § 4.  
R. S. 7, § 28.  
G. S. 11, § 32.  
P. S. 11, § 49.  
1887, 226.  
1893, 445.

SECTION 54. The assessors may, for the purpose of avoiding fractional divisions of the amount to be assessed in the apportionment thereof, add to that amount not more than five per cent thereof, although the limit of taxation may by such overlay be exceeded.

R. L. 12, § 55.

126 Mass. 97.

#### Assessors to make valuation list in books, and deposit copy in office.

1785, 50, § 8.  
1823, 139, § 3.  
R. S. 7, § 29.  
G. S. 11, § 33.  
1861, 167.  
P. S. 11, § 50.  
1888, 307.  
1898, 507, § 2.  
R. L. 12, § 56.  
2 Gray, 298.  
2 Allen, 594.  
102 Mass. 148.  
127 Mass. 505.

SECTION 55. The assessors shall make, upon the books furnished under the provisions of section fifty-seven, a list of the valuation and the assessment thereon, in the following manner:—In separate columns the valuation of the stock in trade of each person, the number and value of his live stock and the valuation of machinery used in manufacturing establishments. In another column marked "All other ratable estate" the aggregate valuation of all the other personal estate shall be entered. The total amount of the taxable personal property shall be shown, but without other detail or specification than is provided herein. Before the taxes are committed for collection they shall deposit the books, or an attested copy thereof, in their office, or, if there is no office, with their chairman, for public inspection.

#### List to exhibit valuation of residents and non-residents.

1828, 143, § 5.  
R. S. 7, § 30.  
G. S. 11, § 34.  
1861, 167.  
P. S. 11, § 51.  
R. L. 12, § 57.  
1908, 387, § 1.  
21 Pick, 64.  
16 Gray, 293.  
2 Allen, 594.  
102 Mass. 151.

SECTION 56. The list shall exhibit the valuation and assessment of the polls and estates of the inhabitants assessed; and the valuation and assessment of the estates of non-resident owners, and shall contain the names of the non-resident owners of the property assessed, or such description of them as can be given, their places of abode, if known, the description of their estate, the true value of such estate, and the tax thereon.

151 Mass. 228.

192 Mass. 278.

#### Tax commissioner to furnish books to assessors.

1861, 167, § 1.  
1879, 72, § 2.  
P. S. 11, § 52.  
1883, 41, § 1.  
1887, 86, § 2.  
1890, 242, § 2.  
1891, 65.  
1898, 507, § 2.  
R. L. 12, § 58.

SECTION 57. The tax commissioner of the commonwealth shall provide each city and town, on or before the first day of May annually, suitable books for the use of the assessors in the assessment of taxes, which shall contain blank columns, with uniform headings for a valuation list, and blank tables for aggregates, in the following form: *provided, however*, that in lieu of the valuation list

provided for in this section and the preceding two sections, the assessors of any city may, with the assent of the tax commissioner, prepare a valuation list upon books furnished by the city and in such form as the tax commissioner shall approve.

1907, 181.  
1908, 314, 387,  
§ 2.

VALUATION LIST FOR THE

OF

MAY 1, 19

Form of valuation list.

NAMES AND RESIDENCES OF PERSONS ASSESSED. ( <i>Give street and number of residence.</i> )	Number of taxable polls.	Total cash tax on polls.	Value of each person's whole stock in trade.	Value of machinery used in manufacturing establishments.	Number of live stock, each kind specified separately.	Value of each kind of live stock.	Value of all other ratable personal estate in one item.	Aggregate of each person's ratable personal estate.	Total tax on personal estate.

Buildings of all kinds, described by naming their uses.	Value of buildings, exclusive of land.	Description, by name or otherwise, of each and every lot of land owned by each person.	Number of acres or feet in each lot of land.		Value of same.	Total value of each parcel of real estate.	Aggregate value of real estate.	Total tax on real estate.	Total cash tax on polls, personal and real estate.
			Acres.	Feet.					

TABLE OF AGGREGATES.

FOR THE OF OF POLLS, PROPERTY, TAXES, ETC., AS ASSESSED MAY 1, 19

Form of table of aggregates.

Number of residents assessed on property.	Number of non-residents assessed on property.	Number of persons assessed.	Number of male polls assessed.	Tax on each male poll.	Value of assessed personal estate.	Value of assessed real estate.	Total valuation of assessed estate May 1.
Individuals.	Individuals.	† On property.			Excluding resident bank stock.	Buildings, excluding land.	
* All others.	* All others.	For poll tax only.			Resident bank stock.	Land, excluding buildings.	
Total.	Total.	Total.			Total.	Total.	

\* Firms, corporations, associations, institutions, trustees, etc.  
† On property; the total of the first two columns.

Tax for state, county and city or town purposes, including overlays.		Rate of total tax per \$1,000.	Number of horses assessed.	Number of cows assessed.	Number of sheep assessed.	Number of neat cattle, other than cows, assessed.	Number of swine assessed.	Number of dwelling houses assessed.	Number of acres of land assessed.	Number and value of fowl assessed.
Dollars.	Cts.									
On personal estate.										Number.
On real estate.										Value.
On polls.										
Total.										

How blanks in list shall be filled.  
1861, 167, § 2.  
1879, 72, § 1.  
P. S. 11, § 53.  
1883, 41, § 2.  
1898, 507, § 2.  
R. L. 12, § 59.  
127 Mass. 502.  
138 Mass. 529.  
143 Mass. 299.  
151 Mass. 227.  
152 Mass. 372.  
185 Mass. 114

SECTION 58. The assessors shall enter in the books so furnished the valuation and assessment of the polls and estates of the inhabitants assessed, as directed in the headings of the various columns and as follows:—

Stock in trade shall include all goods, wares and merchandise at home or abroad, of ratable estate, whether paid for or otherwise. Machinery shall include steam engines.

In cotton and linen factories state number of spindles and looms used in each.

In woollen factories state number of sets of cards used in each.

State the value of each building described including therein water-wheels but excluding land and water power and machinery used in the building.

In description of lots of land state the number of quartz-sand beds, stone quarries and ore beds therein.

Assessors to fill up table of aggregates and deposit copy with tax commissioner annually.  
1861, 167, § 3.  
1864, 210, § 2.  
1879, 72, § 2.  
P. S. 11, § 54.  
1885, 106.  
1886, 56.  
1887, 86, § 1.  
1890, 242, § 1.  
1891, 65.  
R. L. 12, § 60.  
1908, 314.

SECTION 59. The assessors shall fill up the table of aggregates by an enumeration of the necessary items included in the lists of valuation and assessments required by law, and shall annually, on or before the first day of October, deposit in the office of the tax commissioner an attested copy of the same, containing,— First. The number of residents assessed on property, specifying the number of individuals and the number of firms, corporations, associations, institutions, trustees, and so forth. Second. The number of non-residents assessed on property, specify-

ing the number of individuals and the number of firms, corporations, associations, institutions, trustees, and so forth. Third. The whole number of persons assessed, specifying the number assessed for a tax on property and the number assessed for a poll tax only. Fourth. The number of polls assessed. Fifth. The tax on each poll. Sixth. The value of personal estate assessed, specifying the value of the same excluding resident bank stock, and the value of resident bank stock. Seventh. The value of real estate assessed, specifying the value of buildings exclusive of land and of land exclusive of buildings. Eighth. The total valuation of assessed estate in the city or town. Ninth. The tax for state, county and city or town purposes, including overlayings, specifying the amount assessed on personal estate, on real estate and on polls. Tenth. The rate of total tax per one thousand dollars. Eleventh. The number of horses assessed. Twelfth. The number of cows assessed. Thirteenth. The number of sheep assessed. Fourteenth. The number of neat cattle, other than cows, assessed. Fifteenth. The number of swine assessed. Sixteenth. The number of dwelling houses assessed. Seventeenth. The number of acres of land assessed. Eighteenth. The number and value of fowl assessed.

The city of Boston may deposit said copy in the office of the tax commissioner annually on or before the first day of November.

SECTION 60. The assessors of cities and towns, except the city of Boston, shall, on or before the first day of October in the year nineteen hundred and four and in every third year thereafter, deposit in the office of the tax commissioner, in books to be by him provided for the purpose, a copy of the assessors' valuation books of those years, to be by them certified under oath. Said assessors shall also annually, on or before the first day of October, and the assessors of the city of Boston, on or before the first day of November, in like manner deposit an attested copy of the table of aggregates required by the provisions of the preceding section.

SECTION 61. If the board of assessors of any city or town neglect to comply with the provisions of any of the three preceding sections, each assessor so neglecting shall forfeit not more than two hundred dollars. [1 Op. A. G. 73.]

Assessors triennially to deposit with the tax commissioner copies of valuation books.  
1861, 167, § 3.  
1864, 210, § 1.  
P. S. 11, § 55.  
1883, 91.  
1894, 318.  
R. L. 12, § 61.  
1908, 314.

Non-compliance with preceding sections.  
1861, 167, § 5.  
P. S. 11, § 56.  
R. L. 12, § 62.

Books supplied  
by tax  
commissioner  
to contain  
what.

SECTION 62. The books provided by the tax commissioner for the use of the assessors shall contain a copy of this and of the seven preceding sections, and such certificates as are required by law to be signed by the assessors, with such explanatory notes as he considers necessary to secure uniformity of returns under the several headings. He shall annually compile and cause to be printed for the use of the general court the aggregate returns from the cities and towns arranged by counties, so as to exhibit the total valuation of the towns, cities, counties, and the commonwealth.

Annual com-  
pilation of  
table of aggre-  
gates.

1861, 167, § 4.  
P. S. 11, § 57.  
R. L. 12, § 63.  
1908, 314.

Entry on valu-  
ation list of  
certain  
exempted  
property.

1874, 227, § 1.  
P. S. 11, § 58.  
R. L. 12, § 64.

SECTION 63. The assessors shall enter upon the valuation list, in the appropriate columns, after the enumeration of the persons and estates liable to taxation therein contained, a statement and description of all the property and estate and the fair ratable value thereof, situated in their respective cities or towns, or which would be taxable there but for the provisions of the Third, Fourth and Seventh clauses of section five, with the names of the persons or corporations owning the same and the purpose for which it is used, which are exempted from taxation by the provisions of law aforesaid, with a reference to the law by which such exemption is allowed.

Oath of assess-  
ors to valua-  
tion list.

1785, 50, § 5.  
R. S. 15, § 55.  
1853, 319, § 2.

SECTION 64. The assessors, or other persons authorized to assess the taxes in a city or town, shall, at the end of said valuation list, subscribe and take the following oath: —

We, the assessors (or other persons so authorized, as the case may be,) of \_\_\_\_\_, do severally and solemnly swear that the foregoing list is a full and true list of the names of all persons known to us, who are liable to taxation in \_\_\_\_\_, (here insert the name of the city or town,) during the present year, and that the real and personal estate contained in said list, and assessed upon each person in said list, is a full and accurate assessment upon all the property of each person, liable to taxation, at its full and fair cash value, according to our best knowledge and belief.

Penalty for  
failure to take  
oath.

1857, 306,  
§§ 1, 2.  
G. S. 11, § 37.  
P. S. 11, § 60.  
R. L. 12, § 66.

SECTION 65. An assessor or other person assessing taxes in a city or town who omits to take and subscribe said oath shall be punished by a fine of ten dollars; but such omission shall not render invalid a tax otherwise legally assessed.



COLLECTOR'S LIST AND WARRANT.

SECTION 66. The assessors shall, within a reasonable time, commit the tax list with their warrant to the collector of taxes; or, if no collector has been chosen, to a constable, or, if there is no constable, to the sheriff or his deputy, for collection; but the assessors of a town shall not commit a tax list to the collector until the bonds of such collector and of the town treasurer have been given and approved as required by law. R. L. 12, § 67.

SECTION 67. The tax list committed to the collector shall be, in substance, as follows:—

Names and Residences. (Give street and number of residence.)	No. of Polls.	Poll Tax.	Tax on Real Estate.	Tax on Personal Property.	Total.	Time when paid.
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Tax list to be committed to collector, but only after bond given and approved. 1785, 50, § 6; 70, §§ 1, 3. 1815, 130, § 4. R. S. 7, §§ 32, 34. G. S. 11, § 38. 1879, 157, § 1. P. S. 11, § 62.

— contents and form. 1828, 143, § 6. R. S. 7, § 31. G. S. 11, § 35. 1877, 235, § 1. P. S. 11, § 61. R. L. 12, § 68. 9 Pick. 97. 2 Gray, 298.

NON-RESIDENTS.

Names.	Residences, if known.	Tax.
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SECTION 68. The warrant shall specify the duties of the collector as prescribed by law in the collection of taxes, the times when and the person to whom he shall pay them, shall be substantially in the form heretofore used and need not be under seal.

Warrant, contents and form. 1785, 50, § 6; 70, § 1. R. S. 7, §§ 32, 33. G. S. 11, § 39. P. S. 11, § 63. R. L. 12, § 69. 1 Met. 328.

6 Met. 345.  
13 Met. 85.

99 Mass. 472.  
127 Mass. 502.

139 Mass. 388.  
140 Mass. 389.

SECTION 69. If a warrant issued for the collection of taxes is lost or destroyed, the assessors may issue a new warrant therefor, which shall have the same force and effect as the original warrant.

New warrant to issue on loss, etc., of original; effect. 1799, 83. R. S. 8, § 51. G. S. 11, § 40.

P. S. 11, § 64.

R. L. 12, § 70.

DISCOUNT AND INTEREST ON TAXES.

SECTION 70. Towns at their annual meetings and city councils of cities may allow discounts to persons making voluntary payment of their taxes within such periods of time as they determine; and the assessors shall, when they commit their warrant to the collector, post in one or more public places in the city or town notices of the rates of discount, and the collector shall make such discount.

Discounts. 1815, 130, §§ 2, 4. R. S. 7, §§ 35, 36. G. S. 11, §§ 41, 42. P. S. 11, §§ 65, 66. R. L. 12, § 71. 13 Gray, 476. 2 Allen, 594.

Interest;  
city and town  
taxes.  
1873, 225, § 1.  
1878, 185, § 1.  
1879, 74.  
P. S. 11.  
§§ 67, 68.  
1900, 168.  
R. L. 12, § 72.  
146 Mass. 476.

SECTION 71. If a city, a town or fire, water supply or improvement district fixes a time within which taxes assessed therein shall be paid, such city by its city council, and such town or district at the meeting when money is appropriated or raised, may vote that on all taxes remaining unpaid after a certain time interest shall be paid at a specified rate, not exceeding six per cent a year, and such interest shall be added to and be a part of such taxes.

## ABATEMENTS.

Abatements.  
1785, 50, § 10.  
R. S. 7, §§ 37,  
41.  
G. S. 11,  
§§ 43, 47.  
1877, 160, § 2.  
P. S. 11,  
§§ 69, 74.  
1888, 315.  
R. L. 12, § 73.  
6 Pick. 98.  
12 Pick. 7.  
21 Pick. 64.  
5 Cush. 93.  
8 Cush. 55, 56.  
2 Gray, 494.  
8 Gray, 509.  
13 Gray, 321.  
3 Allen, 546.  
12 Allen, 612.

SECTION 72. A person aggrieved by the taxes assessed upon him may, within six months after the date of his tax bill, apply to the assessors for an abatement thereof; and if they find that he is taxed at more than his just proportion, or upon an assessment of any of his property in excess of its fair cash value, they shall make a reasonable abatement. A tenant of real estate paying rent therefor and under obligation to pay more than a moiety of the taxes thereon may apply for such abatement.

Conditions.  
1785, 50, § 9.  
R. S. 7, § 40.  
1853, 319, § 3.  
1857, 306, § 3.  
G. S. 11, § 46.  
1865, 121.  
1877, 160, § 1.  
P. S. 11, §§ 38,  
72, 73.  
1888, 315.  
1894, 354.  
R. L. 12, § 74.  
4 Pick. 399.  
5 Cush. 97.  
6 Cush. 477.  
5 Gray, 365.  
8 Gray, 509.  
1 Allen, 199.  
3 Allen, 546.  
101 Mass. 87.  
112 Mass. 218.  
131 Mass. 424.  
137 Mass. 272.  
151 Mass. 228.  
152 Mass. 374.  
155 Mass. 313.  
166 Mass. 216.  
167 Mass. 517.  
170 Mass. 568.  
176 Mass. 384.  
186 Mass. 361.  
193 Mass. 168.

13 Allen, 119.	130 Mass. 144, 478.	159 Mass. 385.	179 Mass. 486.
102 Mass. 348.	148 Mass. 513.	166 Mass. 216.	186 Mass. 361.
109 Mass. 270.	150 Mass. 237.	298, 401.	193 Mass. 168.
114 Mass. 224.	152 Mass. 372, 596.	174 Mass. 396.	189 U. S. 255.
125 Mass. 348.	155 Mass. 313.	175 Mass. 293.	

SECTION 73. A person shall not have an abatement, except as otherwise provided, unless he has brought in to the assessors the list of his estate as required by section forty-one. An executor, administrator or trustee after three years from the date of his appointment, or a tenant of real estate paying rent and under obligation to pay more than a moiety of the taxes thereon, may have an abatement although no such list was brought in. If such list is not filed within the time specified in the notice required by section forty-one, no part of the tax assessed upon the personal estate shall be abated unless the applicant shows to the assessors a reasonable excuse for the delay or unless such tax exceeds by more than fifty per cent the amount which would have been assessed upon such estate if the list had been seasonably brought in, and in such case only the excess over such fifty per cent shall be abated. If the applicant was not required by said notice to include his real estate in said list, and has not done so, he shall, if he seeks an abatement of the tax on his real estate, file with his application a list, verified as

provided in section forty-three, of his real estate, with an estimate of the fair cash value of each parcel.

SECTION 74. A person applying for an abatement shall pay the legal costs which accrue before it is made.

Costs.  
R. S. 7, § 38.  
G. S. 11, § 44.

P. S. 11, § 70.

R. L. 12, § 75.

SECTION 75. The assessors shall, within ten days after their decision upon an application for an abatement, give written notice thereof to the applicant.

Notice.  
1890, 127, § 6.  
R. L. 12, § 76.

SECTION 76. A person aggrieved by the refusal of assessors to abate a tax, may, within thirty days after receiving the notice provided in the preceding section, appeal therefrom by filing a complaint with the clerk of the county commissioners, or of any board exercising the powers of such commissioners, for the county in which the property taxed is situated, and if upon a hearing the board finds that the property has been overrated, it shall make a reasonable abatement and an order as to costs. If the list required to be brought in to the assessors was not brought in within the time specified in the notice required by section forty-one, the tax shall not be abated unless the appellate board finds that there was good cause for the delay or unless the assessors have so found as provided in section seventy-three. No costs shall be allowed to a complainant who has failed to file a list as required by law.

Appeal to  
county com-  
missioners.  
1785, 50, §§ 9,  
10.  
R. S. 7, §§ 39,  
40.  
1853, 319, § 3.  
1857, 306, § 3.  
G. S. 11, §§ 45  
46.  
P. S. 11, §§ 71,  
72.  
1882, 218.  
R. L. 12, § 77.  
8 Cush. 55.  
6 Allen, 131.  
114 Mass. 224.  
152 Mass. 372,  
596.  
155 Mass. 313.  
159 Mass. 383.  
182 Mass. 598.

SECTION 77. A person aggrieved as aforesaid may, instead of pursuing the remedy provided in the preceding section, but subject to the same conditions, appeal to the superior court for the county in which the property taxed is situated by entering a complaint in said court on the first return day after the expiration of thirty days from the giving of the notice required by section seventy-five, which shall be heard and determined as other court causes by the court sitting without a jury.

— to superior  
court.  
1890, 127, §§ 1,  
2, 4.  
R. L. 12, § 78.  
152 Mass. 594.  
155 Mass. 313.  
163 Mass. 283.  
175 Mass. 257.  
178 Mass. 469.  
182 Mass. 598.

SECTION 78. The complaint shall be heard at the first sitting of the court in such county for the trial of civil causes after its entry, unless, at the request of the respondent, a further time is allowed by the court. The superior court or the supreme judicial court, if the case shall be carried thereto, shall at the request of the city or town advance the case so that it may be heard and determined with as little delay as possible.

Entry of ap-  
peal. Advance-  
ment for  
speedy trial.  
1890, 127, § 4.  
R. L. 12, § 79.  
152 Mass. 596.  
155 Mass. 313,  
316.  
175 Mass. 257.

SECTION 79. The court may appoint a commissioner to hear the parties and report the facts, with or without

Commission-  
ers to hear  
facts.

1890, 127, § 5.  
R. L. 12, § 80.  
175 Mass. 257.  
186 Mass. 361.

Abatement or  
judgment for  
appellant if  
taxes have  
been paid.  
Costs.

1890, 127, § 3.  
1895, 75.  
R. L. 12, § 81.  
6 Allen, 131.  
155 Mass. 313,  
316.  
175 Mass. 257.

Reimburse-  
ment after  
abatement.  
1785, 50, § 10.  
R. S. 7, § 42.  
G. S. 11, § 48.  
P. S. 11, § 75.  
1894, 207.  
R. L. 12, § 82.  
13 Gray, 223.  
3 Allen, 550.

Certificate of  
abatement to  
be given by  
assessors.  
R. S. 7, § 43.  
G. S. 11, § 49.

Abatement of  
uncollectible  
taxes, and  
allowance to  
collector there-  
for.  
1878, 77.  
1879, 43.  
P. S. 11, § 77.  
R. L. 12, § 84.  
1902, 91.

Poll tax not  
abatable in  
year of assess-  
ment.

Tax commis-  
sioner to be  
notified of  
abatement of  
taxes to certain  
corporations.  
1904, 442, § 1.

the evidence. Such report shall be prima facie evidence of the facts therein found. The court shall allow such commissioner a reasonable compensation which shall be paid by the county.

SECTION 80. If, upon a hearing, the court finds that the complainant has complied with all the provisions of law and has paid the tax for which he has been assessed, it may grant him a reasonable abatement, and shall render judgment against the city or town for the amount thereof, and for all charges and interest on the amount of the abatement from the date of the payment of the tax. The court may also, if the complainant has filed a list of his estate as required by section forty-one, allow him costs in its discretion. If no abatement is granted, judgment shall be rendered for the city or town for its expenses and costs, which shall be taxed by the court.

SECTION 81. A person whose tax has been abated shall, if the tax has been paid, be reimbursed by the city or town to the amount of the abatement allowed, with interest from the time of payment of said tax and all charges paid therewith except legal costs paid as provided in section seventy-four.

159 Mass. 385.

SECTION 82. A person whose tax has been abated shall be entitled to a certificate thereof from the assessors, clerk of the commissioners or other proper officer.

P. S. 11, § 76.

R. L. 12, § 83.

159 Mass. 385.

SECTION 83. If a collector is satisfied that a poll tax or tax upon personal property, or any portion of said tax, committed to him or to any of his predecessors in office for collection, cannot be collected by reason of the death, absence, poverty, insolvency, bankruptcy or other inability of the person assessed to pay, he shall notify the assessors thereof in writing, under oath, stating the reason why such tax cannot be collected. The assessors, after due inquiry, may abate such tax or any part thereof, and shall certify such abatement in writing to the collector; and said certificate shall discharge the collector from further obligation to collect the tax so abated. But no poll tax shall be abated, under the provisions of this section, within the calendar year in which it is assessed.

SECTION 84. Whenever an abatement is finally made to any corporation organized under the laws of this commonwealth and liable to a corporate franchise tax upon any tax assessed by the assessors of any city or town, upon or in

respect of real estate, machinery or underground conduits, wires and pipes, the assessors, commissioners or court granting such abatement shall forthwith notify the tax commissioner of the commonwealth thereof, and shall state in such notice what sum was determined by such assessors, commissioners or court to have been the full and fair cash value of such real estate, machinery or underground conduits, wires and pipes on the first day of May on which the tax so abated was originally assessed.

#### OMITTED ASSESSMENTS.

SECTION 85. If the real or personal estate of a person, to an amount not less than one hundred dollars and liable to taxation, has been omitted from the annual assessment of taxes in a city or town, the assessors shall between the fifteenth and twentieth days of December next ensuing assess such person for such estate. The taxes so assessed shall be entered on the tax list of the collector who shall collect and pay over the same. Such additional assessment shall not render the tax of such city or town invalid although its amount, in consequence thereof, shall exceed the amount authorized by law to be raised.

Assessment of  
estates omitted  
from annual  
assessment.  
1868, 320.  
1873, 272.  
P. S. 11, § 78.  
1886, 85.  
1888, 362.  
R. L. 12, § 85.  
130 Mass. 561.  
137 Mass. 272.

#### RE-ASSESSMENT OF TAXES.

SECTION 86. Every tax except a poll tax, which is invalid by reason of any error or irregularity in the assessment and which has not been paid, or which has been recovered back, may be re-assessed by the assessors for the time being, to the just amount to which, and upon the estate or to the person to whom, it ought at first to have been assessed, whether such person has continued an inhabitant of the same city or town or not. An alienation of the real estate assessed shall not, subject to the provisions relative to a lien contained in section thirty-six of Part II, defeat a re-assessment, if made within two years after the tax first assessed was committed to the collector.

Re-assessment  
of taxes.  
1859, 118, § 1.  
G. S. 11, § 53.  
1881, 304, § 7.  
P. S. 11, § 79.  
R. L. 12, § 86.  
13 Allen, 269.  
99 Mass. 32,  
208.  
102 Mass. 73.  
112 Mass. 535.  
121 Mass. 177.  
126 Mass. 97.  
127 Mass. 502.  
129 Mass. 378.  
137 Mass. 274.  
149 Mass. 270.  
165 Mass. 287.

SECTION 87. Taxes re-assessed under the provisions of the preceding section shall be committed to, and collected and paid over by, the collector for the time being, in the same manner as other taxes, except that the name of the person to whom they were originally assessed shall be stated in the tax list; and the bond of such collector shall apply to such re-assessed taxes.

Collection of  
re-assessed  
taxes.  
1870, 394.  
P. S. 11, § 80.  
R. L. 12, § 87.  
102 Mass. 72.  
149 Mass. 270.



# APPORTIONMENT OF TAXES ON REAL ESTATE SUBSEQUENTLY DIVIDED.

Apportion-  
ment of tax on  
real estate  
divided after  
assessment.  
1878, 182, § 1.  
P. S. 11, § 81.  
R. L. 12, § 88.

SECTION 88. If real estate is divided by sale, mortgage, upon a petition for partition or otherwise after a tax has been assessed thereon and such division has been duly recorded in the registry of deeds, the assessors at any time before said real estate has been sold for payment of taxes, upon the written request of the owner or mortgagee of any portion thereof, shall apportion said tax and the costs and interest accrued thereon upon the several parcels thereof, in proportion to the value of each, and only the portion of said tax, interest and costs so apportioned upon any such parcel shall continue to be a lien upon it; and the owners or mortgagees shall be liable only for the tax apportioned upon the parcel owned in whole or in part by them respectively.

Notice to  
persons  
affected by ap-  
portionment.  
1878, 182, § 2.  
P. S. 11, § 82.  
R. L. 12, § 89.

SECTION 89. Assessors shall send notice of the request for such apportionment and of the time appointed therefor, by mail, to every person interested in said real estate whose address is known to them.

Appeal from  
apportion-  
ment.  
1878, 182, § 3.  
P. S. 11, § 83.  
R. L. 12, § 90.

SECTION 90. A person aggrieved by any action of the assessors in making such apportionment may within seven days thereafter appeal in like manner as in case of an over-assessment, and the decision upon such appeal shall be final.

## ILLEGAL ASSESSMENTS.

Assessment of  
taxes valid  
except as to  
illegal excess.  
1859, 118, § 4.  
G. S. 11, § 54.  
P. S. 11, § 84.  
R. L. 12, § 91.

SECTION 91. If, by reason of an erroneous or illegal assessment or apportionment of taxes, a person is assessed more than his due proportion, the tax and assessment shall be valid except as to the illegal excess.

99 Mass. 208.      126 Mass. 97, 98.      127 Mass. 502.      151 Mass. 229.

## ADDITIONAL DUTIES OF ASSESSORS.

Assessors to  
furnish infor-  
mation as to  
personalty of  
persons chang-  
ing domicile.  
1866, 170.  
1881, 25.  
P. S. 11, § 85.  
R. L. 12, § 92.

SECTION 92. When a person who is liable to be taxed for personal property changes his domicile, the assessors of the city or town in the commonwealth to which he has removed shall forthwith require of the assessors of the city or town in which he was last taxed a written statement of any facts which will assist in determining the value of his personal estate, and also the amount for which he was

last assessed therein, which information shall be furnished by said assessors. When the assessors of a city or town receive such statement it shall be filed in the office of the assessors requiring such information and shall be open to public inspection; and he shall not be assessed upon any less amount of personal estate than that for which he was last assessed, until he has brought in a list of his personal estate. Whoever neglects to perform any duty imposed upon him by the provisions of this section shall be punished by a fine of not less than fifty nor more than two hundred dollars.

SECTION 93. Assessors shall annually, on or before the first Monday of July, return to the tax commissioner the names of all corporations, except banks of issue and deposit, having a capital stock divided into shares, chartered by the commonwealth or organized under the general laws for the purposes of business or profit and established in their respective cities and towns or owning real estate therein, and a statement in detail of the works, structures, real estate and machinery owned by each of said corporations and situated in such city or town, with the value thereof, on the first day of May preceding, and the amount at which the same is assessed in said city or town for the then current year. They shall also, on or before the first Monday of August, return to the tax commissioner the amount of taxes laid, or voted to be laid, within said city or town, for the then current year, for state, county and town purposes. They shall also, on or before the first Monday of August, return to the tax commissioner the names of all foreign corporations which have a usual place of business within said city or town. If the assessors neglect to comply with the requirements of this section, each assessor so neglecting shall forfeit one hundred dollars.

Returns to tax commissioner of corporate property and amount of taxes laid.  
1864, 203, § 1.  
1865, 283, §§ 1, 14.  
P. S. 11, §§ 86, 87.  
R. L. 12, § 93.  
1904, 181.  
1906, 271, § 11.  
13 Allen, 391.

SECTION 94. If the assessors of a city or town ascertain that the aggregate valuation of such city or town has been diminished since the first day of May of the preceding year, they shall return with the table of aggregates, or with the books, which they are required by sections fifty-nine and sixty to deposit in the office of the tax commissioner, a statement in writing, under oath, of the causes which in their opinion have produced such diminu-

Assessors to state cause of diminished valuations.  
1864, 210, §§ 3, 4, 6.  
P. S. 11, §§ 88, 89.  
R. L. 12, § 94.  
1908, 314.

tion. If the assessors neglect to comply with the requirements of this section, each assessor so neglecting shall forfeit not more than two hundred dollars.

Assessors to make returns to tax commissioner of exempted property, etc.  
1874, 227, § 2.  
1881, 284, § 4.  
P. S. 11, § 90.  
1882, 217, § 3.  
R. L. 12, § 95.

SECTION 95. Assessors shall annually, on or before the first day of October, make and forward to the tax commissioner a statement showing the whole amount of exempted property entered upon the valuation lists of their respective cities and towns in accordance with section sixty-three, and the amount in each class, and stating separately the aggregate amount belonging to each of the four classes embraced in clause Third of section five, and such lists and statements required by section forty-two relative to real and personal property exempt from taxation under clause Third of section five as have been received by them.

— to make returns to tax commissioner of assets and indebtedness of towns.  
1870, 76.  
P. S. 11, § 91.  
1882, 133, § 2.  
R. L. 12, § 96.

SECTION 96. Assessors of each city or town shall annually, on or before the first Monday of August, return to the tax commissioner the aggregate amount of its assets, and the amount of its indebtedness, for which notes, bonds or similar evidences of debt, the payment of which is not provided for by the taxation of the then current year, were outstanding on the first day of May then last preceding, with a concise statement of the various purposes for which such indebtedness was incurred, the amount incurred for each purpose and the amount of each sinking fund established. If in any case in which a sinking fund is required by law no sinking fund has been established, the return shall state whether action has been had under the provisions of section thirteen of chapter twenty-seven of the Revised Laws, and the amount raised and applied thereunder for the year last preceding said first day of May.

— to certify on request portions of tax assessed for state, county and town purposes.  
1879, 299, § 2.  
P. S. 11, § 93.  
R. L. 12, § 97.  
137 Mass. 273.

SECTION 97. Assessors shall, upon application to any one of them by a person assessed therein, give to him a certificate stating what portion of the whole amount of his tax is assessed as state tax, county tax and town tax, respectively; and in such case the collector shall receive and receipt for either of such taxes separately, or for all together, as may be desired by the taxpayer; but the state tax assessed upon poll and property and the county tax so assessed, shall each constitute an entire and indivisible tax.

RESPONSIBILITY AND COMPENSATION OF ASSESSORS.

SECTION 98. Assessors shall not be responsible for the assessment of a tax assessed by them in pursuance of a vote for that purpose, certified to them by the clerk or other proper officer of a city, town or fire district, except for the want of integrity and fidelity on their own part.

5 Pick. 451, 4 Gray, 42. 97 Mass. 424. 119 Mass. 77.  
498. 3 Allen, 410. 98 Mass. 469. 125 Mass. 553.  
11 Met. 339. 4 Allen, 382. 99 Mass. 208.

Liability of assessors.  
1823, 138, § 5.  
1833, 166.  
R. S. 7, § 44.  
G. S. 11, § 51.  
1872, 310.  
P. S. 11, § 94.  
R. L. 12, § 98.  
4 Pick. 399.

SECTION 99. Each assessor shall be paid by his city or town two dollars and fifty cents a day for every whole day in which he is employed in that service, and such additional compensation as the city or town shall allow.

R. L. 12, § 99. 3 Met. 431. 3 Allen, 409. 4 Allen, 382. 129 Mass. 577.

Compensation.  
1785, 50, § 2.  
1834, 99.  
R. S. 7, § 45.  
1855, 224.  
G. S. 11, § 52.  
1873, 156.  
P. S. 11, § 95.

APPORTIONMENT OF STATE TAX.

SECTION 100. The tax commissioner shall, before the first day of January in the year nineteen hundred and four and before the first day of January in every third year thereafter, prepare and report in print to the general court, within the first week of its then next succeeding session, an equalization and apportionment upon the several cities and towns, of the number of polls, the amount of property, and the proportion of every one thousand dollars of state or county tax, including polls at one tenth of a mill each, which should be assessed upon each city and town.

Apportionment of state tax by tax commissioner.  
1881, 163, § 1.  
P. S. 11, § 96.  
R. L. 12, § 100.

SECTION 101. Said commissioner shall from time to time be supplied by the secretary of the commonwealth with the returns of assessors required by sections fifty-nine and sixty. He shall cause abstracts to be prepared, showing the value, above works, structures, real estate, machinery, underground conduits, wires and pipes locally taxed, of shares in corporations organized in this commonwealth, and national banks, held by residents of each city and town and not included in the local assessment. He may require from state, city and town officers such further returns and statements relative to the amount and value of taxable property in the several cities and towns as in his judgment may be necessary. He shall to the best of his judgment and discretion prepare said equalization and apportionment upon the basis of the returns and statements herein provided for and authorized.

Tax commissioner to be supplied with returns of assessors. To prepare abstracts, etc.  
1881, 163, §§ 1, 2.  
P. S. 11, § 97.  
R. L. 12, § 101.

Basis of apportionment.

## PART II.

## COLLECTION OF TAXES.

## DEFINITIONS.

Definitions.  
 1785, 70, § 7.  
 R. S. 8, § 24.  
 G. S. 12, § 28.  
 1879, 69.  
 P. S. 12, § 30.  
 1888, 390, § 35.  
 1892, 168.  
 1899, 425,  
 §§ 1, 2.  
 1900, 290.  
 1901, 108, 150.  
 R. L. 13, § 1.  
 185 Mass. 137.

SECTION 1. Terms used in this act shall, unless other meaning is clearly apparent from the context, or unless they are inconsistent with the manifest intent of the legislature, be construed as follows:

“Collector” shall mean a person receiving a tax list and a warrant to collect the same.

“Publication” as applied to any notice, advertisement or other instrument, the publication of which is required by law, shall mean the act of printing it for three successive weeks in a newspaper published in the city or town, if any, otherwise in the county, where the land or other property to which the notice or other instrument relates is situated. The last publication shall be made at least one week prior to the date stated for the occurrence of the event to which the publication relates.

“Registry of deeds” shall mean the registry of deeds for the county or district in which the land taxed lies.

“Service” as applied to any notice, summons, demand or other paper shall mean delivering it or a copy to the person for whom it is intended, or leaving it or a copy at his last and usual place of abode or of business, or sending it or a copy by mail postpaid addressed to him at his last and usual place of abode or of business or, if such notice, summons, demand or other paper relates to taxes upon land, posting it or a copy conspicuously in some convenient and public place in his precinct and sending a copy by mail postpaid addressed to him at the city or town in which such land lies. Such service shall be sufficient whether made by the collector of taxes holding office or by any predecessor.

The affidavit of the collector or deputy collector serving the notice, summons, demand or other paper of the manner of service shall be kept on file in the office of the collector, and shall be prima facie evidence that the same was so served.



DUTIES OF COLLECTORS.

SECTION 2. Every collector of taxes, constable, sheriff or deputy sheriff, receiving a tax list and warrant from the assessors, shall collect the taxes therein set forth, and pay over the same to the city or town treasurer according to the warrant, and shall make written return thereof with his tax list and of his doings thereon at such times as the assessors shall in writing require. In towns he shall, on or before the fifth day of each month, pay over to the town treasurer all money received by him during the preceding month on account of taxes.

Collection and payment over of taxes.  
Return thereof.  
R. S. 7, § 34;  
8, §§ 1, 33.  
G. S. 12, § 1.  
P. S. 12, § 1.  
1887, 110, § 4.  
1888, 390,  
§§ 1, 6.  
1897, 126, § 1.  
R. L. 13, § 2.  
126 Mass. 476.  
127 Mass. 405.

SECTION 3. The collector shall forthwith, after receiving a tax list and warrant, send notice to each person who is assessed, resident or non-resident, of the amount of his tax. If such notice is sent by mail, it shall be postpaid and shall be directed to the city or town in which the assessed person resided on the first day of May of the year in which the tax was assessed, and, if he resides in a city, it shall, if possible, be directed to the street and number of his residence. If he is assessed for a poll tax only, the notice shall be sent on or before the second day of September of the year in which the tax is assessed. An omission to send such notice shall not affect either the validity of a tax or of the proceedings for collecting it.

Notice of tax to taxpayer.  
1877, 235, § 1.  
P. S. 12, § 2.  
1888, 390, § 2.  
1889, 334, § 1.  
R. L. 13, § 3.  
185 Mass. 137.

SECTION 4. He shall make and keep in the book containing the tax list committed to him by the assessors, against the name of every person assessed for a tax, entries showing the disposition thereof, whether reassessed, abated or paid, and the date of such disposition.

Collector to keep books of account.  
1887, 110, § 2.  
1888, 390, § 3.  
1889, 334, § 2.  
R. L. 13, § 4.

SECTION 5. He shall also keep a cash book, in which he shall enter all sums of money paid to him, as they are received, specifying the total amount of tax, abatements allowed, discount allowed, all interest charged, the total amount received and the date of receipt. He shall also enter therein the date and amount of every payment and disbursement made by him, and to whom paid, with such other matters as the city or town may require.

— to keep cash book.  
1887, 110, § 1.  
1888, 390, § 4.  
R. L. 13, § 5.

SECTION 6. All books kept by the collector shall be furnished by, and be the property of, the city or town, and shall at all reasonable times be open to examination by the auditor of such city or town or by any other agent thereof duly authorized for that purpose. The collector shall,

Account books, how provided.  
To be open to inspection.  
1887, 110, § 3.  
1888, 390, § 5.  
1897, 126, § 2.  
R. L. 13, § 6.

upon demand by the selectmen, exhibit to them or to any persons whom they may designate at any time during ordinary business hours, the books, accounts and vouchers relating to taxes committed to him for collection and to his receipts and payments on account of taxes; and they, or the persons designated by them, shall have full opportunity to examine said books, accounts and vouchers, and to make copies and extracts therefrom.

Deposit of accounts, etc., by retiring, etc., collector with city or town clerk.  
1892, 370,  
§§ 1, 4.  
R. L. 13, § 7.

SECTION 7. A collector shall, within three months after his resignation of, or retirement or removal from, the office of collector, deposit with the clerk of the city or town in which he held such office all his accounts, records and papers, except his warrant, which relate to the assessment and collection of taxes in such city or town, and, when all the taxes which have been committed to him have been collected or abated, or, in any event, at the end of three years from the date of their commitment to him, he shall so deposit all such accounts, records and papers and his warrant.

— by executor, etc., of deceased collector.  
1785, 46, § 5.  
1791, 22, § 1.  
R. S. 8, § 41.  
G. S. 12, § 54.  
P. S. 12, § 82.  
1888, 390, § 92.  
1892, 370, § 3.  
R. L. 13, § 8.

SECTION 8. The executor or administrator of a person who was or had been a collector shall, within three months after his appointment, deposit all the accounts, records, papers or unsettled tax lists which come into his possession, relating to the assessment and collection of taxes, with the clerk of the city or town to which they pertain; and any other person into whose possession, upon the death, resignation, retirement or removal of a collector from office such accounts, records, papers or unsettled tax lists may come, shall forthwith deposit them with the clerk of such city or town.

— in collector's office.  
1892, 370, § 5.  
R. L. 13, § 9.

SECTION 9. If the collector has an office for the deposit of records and the transaction of his official business, the accounts, records and papers otherwise required to be deposited with the city or town clerk shall be deposited in said office.

Demand for tax books and accounts, by whom made.  
1892, 370, § 6.  
R. L. 13, § 10.

SECTION 10. A city or town clerk, or collector, who shall have knowledge of any accounts, records or papers relating to taxes in his city or town which should be in his custody, shall demand them of any person having them.

Penalty for unlawful detention of tax accounts.  
1892, 370, § 7.  
R. L. 13, § 11.

SECTION 11. A collector, former collector or an executor or administrator of a deceased collector who refuses or neglects to perform any duties required by the four preceding sections, or any person having in his posses-

sion any such accounts, records or papers, who, after demand made by the clerk or collector entitled by law to the custody thereof, wrongfully detains them, shall forfeit not more than five hundred dollars.

SECTION 12. Every collector who fails monthly to pay over to the town treasurer the taxes collected by him, as required by section two, or who neglects or refuses to exhibit his books, accounts and vouchers to the selectmen when required by them, under the provisions of section six, shall be punished by a fine of not more than three hundred dollars.

Penalty for failure of collector to pay over taxes or to exhibit accounts.  
1897, 126, § 3.  
R. L. 13, § 12.

SECTION 13. The collector shall, unless removed from office or unless his tax list has been transferred to his successor, complete the collection of the taxes committed to him, notwithstanding the expiration of his term of office. He shall be allowed the following charges and fees and no other, which after they have accrued, shall be severally added to the amount of the tax:

Completion of collection of taxes by collector after expiration of term.  
1785, 70, § 8.  
R. S. 8, § 2.  
G. S. 12, § 2.  
1862, 183, § 10.  
1878, 266, § 13.  
1881, 138, § 2.  
P. S. 12, §§ 3, 36, 47.  
1888, 390, §§ 7, 29, 41, 55.  
1889, 334, § 3.  
1890, 331, § 2.  
1894, 537, § 5.  
R. L. 13, § 13.  
1907, 427.  
102 Mass. 75.  
119 Mass. 124.

For an arrest, one dollar and actual travelling expenses incurred in making such arrest;

For a summons, twenty cents;

For a warrant to distrain or arrest, fifty cents;

For a copy of warrant and certificate under section twenty-four, one dollar;

For preparing advertisement of sale, fifty cents;

For advertisement of sale in newspapers, the cost thereof;

For posting notices of sale, fifty cents for each parcel of real estate seized or lot of goods distrained;

For distraining goods, one dollar and the cost thereof;

For selling goods distrained, the cost thereof;

For obtaining affidavit of disinterested person, one dollar;

For recording affidavit, the register's fees;

For preparing deed, two dollars;

For each hour's time actually expended in selling as certified by him under the provisions of section fifty, thirty cents;

For service of demand and notice under the provisions of section fifty-four, if served in the manner required by law for the service of subpoenas upon witnesses in civil cases, fifty cents and travel as allowed by chapter two hundred and four of the Revised Laws.

Demand for  
tax to be made.  
1785, 70, § 2.  
R. S. 8, § 3.  
G. S. 12, § 3.  
P. S. 12, § 4.  
1888, 390, § 8.  
1889, 334, § 4.  
R. L. 13, § 14.  
1 Met. 328.  
185 Mass. 137.

SECTION 14. The collector shall, before selling the land of a resident, or distraining the goods of any person, or arresting him for his tax, serve on him a statement of the amount thereof with a demand for its payment. If the heirs of a deceased person, co-partners or two or more persons are jointly assessed, service need be made on only one of them. Such demand for the tax upon land may be made upon the person occupying the same upon the first day of May of the year in which the tax is assessed. If a mortgagee has given notice under the provisions of section thirty-seven, such demand shall be served upon the mortgagee instead of the owner or occupant. No demand need be made on a non-resident owner of land, nor, except as herein provided, on a mortgagee.

Summons to  
precede  
demand, when.  
1888, 390, § 28.  
1889, 334, § 8.  
1890, 331, § 1.  
R. L. 13, § 15.

SECTION 15. The collector may, before making a demand for the payment of a tax which is due from any person, serve a summons on him, stating therein the amount due and that unless the same, with twenty cents more for the summons, is paid within ten days, he will proceed to collect it according to law.

Collection  
from persons  
of doubtful  
credit.  
1785, 70, § 2.  
1815, 130, § 3.  
R. S. 8, § 12.  
G. S. 12, § 4.  
1874, 238.  
P. S. 12, § 5.  
1888, 390, § 9.  
R. L. 13, § 16.

SECTION 16. If the assessors are of opinion that the credit of a person taxed is doubtful or that he is about to leave the commonwealth, they may, by a special warrant, direct the collector forthwith, without demand or notice, to compel payment by distress or imprisonment, whether the tax is payable immediately or at a future day, by instalments or otherwise.

Person claim-  
ing abatement  
to exhibit cer-  
tificate thereof.  
R. S. 8, § 4.  
G. S. 12, § 5.  
P. S. 12, § 6.  
1888, 390, § 10.  
R. L. 13, § 17.  
9 Met. 503.

SECTION 17. If a person claims the benefit of an abatement, he shall exhibit to the collector demanding his taxes the certificate of such abatement authorized by the provisions of section eighty-two of Part I; and he shall be liable to pay all costs and officers' fees incurred before exhibiting such certificate.

Collection if  
erroneous  
name in war-  
rant.  
R. S. 8, § 5.  
G. S. 12, § 6.  
P. S. 12, § 7.  
1888, 390, § 11.  
R. L. 13, § 18.  
6 Met. 474.

SECTION 18. If, in the assessors' lists or in their warrant and list committed to the collector, there is an error in the name of a person taxed, the tax assessed to him may be collected of the person intended to be assessed, if he is taxable and can be identified by the assessors.

7 Gray, 127. 12 Cush. 56. 97 Mass. 323. 127 Mass. 502. 191 Mass. 576.

Part payment  
of tax.  
1899, 394, §§ 1,  
2, 4.  
R. L. 13, § 19.

SECTION 19. After the delivery of a tax, including assessments for betterments or other purposes but not including a poll tax, to a collector for collection, the owner of the estate or person assessed or a person in behalf of

said owner or person may tender to the collector not less than twenty-five per cent of the tax which shall be received, receipted for and applied toward the payment of the tax. If in any court it shall be determined that the tax is more than the amount so paid, judgment shall be entered for such excess and interest upon the amount thereof to the date of the judgment, and on the amount paid to the date of payment, with costs if otherwise recoverable. The part payment authorized by this section shall not affect a right of tender, lien or other provision of law for the recovery of the amount of such tax, or interest or costs thereon, remaining due, but if the part payment is more than the tax, as finally determined, the excess, without interest, shall be repaid to the person who paid it.

SECTION 20. The collector of taxes for any city, or for any town having more than five thousand inhabitants as determined by the last preceding national or state census, shall, on application in writing by any person, and within two days thereafter, furnish to any such applicant a statement in writing of all taxes and other assessments which at the time constitute liens on the parcel of real estate specified in such application and are payable on account of such real estate. Such statement shall be itemized and shall show the amount or amounts then payable to the city or town on account of all such taxes and assessments so far as such amounts are fixed and ascertained, and if the same are not then ascertainable, it shall so be expressed in the statement. Any officer or board of any city or town doing any act towards establishing any such tax, assessment, lien or charge upon any real estate in such city or town shall transmit a notice of such act to the collector of taxes of such city or town. Such collectors shall charge one dollar for each statement so issued, and the money so received shall be paid into the city or town treasury.

Collectors to furnish statement of taxes and assessments constituting a charge therefor.  
1907, 378, §§ 1, 2.  
1908, 299, §§ 1, 2.

#### COLLECTION BY DISTRESS.

SECTION 21. If a person refuses or neglects to pay his tax for fourteen days after demand, the collector shall without unnecessary delay levy the same by distress or seizure and sale of his goods, including any share or interest he may have as a stockholder in a corporation

Distress and sale for taxes. Exemptions.  
1785, 50, § 6.  
R. S. 8, § 7.  
1846, 195, § 1.  
G. S. 12, § 7.  
P. S. 12, § 8.  
1888, 390, § 12.



R. L. 13, § 20.  
9 Met. 504.  
7 Gray, 133.  
121 Mass. 351.  
126 Mass. 101.

incorporated under authority of this commonwealth or under the laws of the United States and located or having a general office in this commonwealth; but excluding the tools or implements necessary for his trade or occupation, beasts of the plough necessary for the cultivation of his improved land, military arms, utensils for housekeeping necessary for upholding life, and bedding and apparel necessary for himself and family.

**Detention,**  
notice, sale.  
1785, 50, § 6;  
70, § 2.  
1791, 22, § 3.  
R. S. 8, § 8.  
G. S. 12, § 8.  
P. S. 12, § 9.  
1888, 390, § 13.  
R. L. 13, § 21.  
1 Met. 328.  
13 Met. 85.

SECTION 22. The collector shall keep the goods distrained, at the expense of the owner, for four days at least, and shall, within seven days after the seizure, sell the same by public auction for payment of the tax and charges of keeping and sale, first posting notice of the sale in some public place in the city or town at least forty-eight hours prior thereto.

113 Mass. 40.

126 Mass. 101.

127 Mass. 502.

**Adjournment**  
of sale.  
R. S. 8, § 9.  
G. S. 12, § 9.  
P. S. 12, § 10.  
1888, 390, § 14.  
R. L. 13, § 22.  
**Seizure and**  
sale of shares.  
1846, 195, §§ 2,  
34.

SECTION 23. The collector may once adjourn such sale for not more than three days, and he shall forthwith post a notice of such adjournment at the place of sale.

G. S. 12, §§ 10,  
11.  
P. S. 12, §§ 11,  
12.  
1888, 390,  
§§ 15, 16.  
R. L. 13, § 23.  
4 Cush. 10.  
11 Cush. 338.

SECTION 24. The seizure of a share of stock or other interest in a corporation may be made by leaving with its clerk, treasurer or cashier, if there is such officer, otherwise with any officer or person who has at the time the custody of its books and papers, an attested copy of the warrant, with a certificate thereon, under the hand of the collector, stating the tax which the stockholder is liable to pay, and that because of his refusal or neglect to pay, the collector has seized such share or interest. The sale thereof shall be made in the manner above prescribed for the sale of goods by collectors, and shall also be subject to the provisions of sections forty-nine and fifty of chapter one hundred and seventy-seven of the Revised Laws.

**Recovery of**  
taxes assessed  
to person not  
owner of land  
taxed to him.  
1785, 70, § 14.  
R. S. 8, §§ 16,  
17.  
G. S. 12, § 21.  
P. S. 12, § 23.  
1888, 390, § 27.  
R. L. 13, § 24.

SECTION 25. If a person is taxed for land in his occupation, but of which he is not the owner, the collector, after demand for payment, may levy the tax by distress and sale of the cattle, sheep, horses, swine or other stock or produce of such estate, belonging to the owner thereof, which, within nine months after such assessment has been committed to him, may be found upon the premises, in the same manner as if such stock or produce were the property of the person so taxed; but such demand for payment need not be made if the person on whom the tax is assessed

resided within the precinct of the collector at the time of the assessment, and subsequently removes therefrom and remains absent three months.

SECTION 26. The collector shall upon demand give an account in writing of every sale on distress or seizure and charges, and pay to the owner any surplus above the taxes, interest and charges of keeping and sale.

1888, 390, § 17. R. L. 13, § 25. 5 Gray, 530. 126 Mass. 101.

Surplus proceeds to owner.  
1785, 70, § 2.  
R. S. 8, § 10.  
G. S. 12, § 12.  
P. S. 12, § 13.

#### COLLECTION BY IMPRISONMENT.

SECTION 27. If a person refuses or neglects to pay his tax for fourteen days after demand and the collector cannot find sufficient goods upon which it may be levied, he may take the body of such person and commit him to jail until he pays the tax and charges of commitment and imprisonment, or is discharged according to law; but a person committed for the non-payment of a poll tax shall not be detained in jail more than seven days.

3 Allen, 5. 188 Mass. 506.

Imprisonment for non-payment of tax.  
1785, 70, § 2.  
R. S. 8, § 11.  
G. S. 12, § 13.  
P. S. 12, § 14.  
1888, 390, § 18.  
1893, 241.  
1901, 408.  
R. L. 13, § 26.  
13 Met. 85.  
9 Gray, 190.  
13 Gray, 93.

SECTION 28. A collector who commits a person to jail shall give to the keeper thereof a certificate signed by him, stating that he has committed the person for non-payment of his tax for fourteen days after demand therefor, and for want of goods and chattels whereof to make distress, and setting forth the amount said person shall pay for said tax, interest, charges and fees.

SECTION 29. Upon the request of a person who has been committed to jail for the non-payment of a tax, the jailer shall forthwith inform some magistrate having authority to examine poor debtors that the debtor desires to take the oath for the relief of poor debtors. The magistrate shall thereupon appoint a time and place for the examination of the debtor, and shall direct the jailer to cause the debtor to be present at the examination. The notice which is required by section thirty-three of chapter one hundred and sixty-eight of the Revised Laws to be given to the creditor may be given to any one of the assessors or to the collector of the city or town in which the tax was assessed, any of whom may appear at the examination and do all things which a creditor might do upon an arrest or execution. If a debtor is unable to pay such tax, he may be discharged in the same manner as if he were committed upon an execution.

Certificate of cause of commitment.  
1785, 70, § 11.  
R. S. 8, § 13.  
G. S. 12, § 14.  
P. S. 12, § 15.  
1888, 390, § 19.  
1889, 334, § 5.  
R. L. 13, § 27.

Discharge of debtor upon poor debtor oath.  
1790, 42,  
§§ 1-4.  
R. S. 8, §§ 48, 49.  
1857, 141, § 24.  
G. S. 12, § 15.  
P. S. 12, § 16.  
1888, 390, § 20.  
R. L. 13, § 28.

Liability of  
collector if  
debtor dis-  
charged.  
1790, 42, § 6.  
R. S. 8, § 50.  
G. S. 12, § 16.  
P. S. 12, § 17.  
1888, 390, § 21.  
R. L. 13, § 29.

Collector may  
require aid.  
1782, 61, § 2.  
1785, 70, § 9.  
R. S. 8, § 6.  
G. S. 12, § 17.  
P. S. 12, § 18.  
1888, 390, § 22.  
R. L. 13, § 30.

Distrain of  
property.  
Warrant of  
collector.  
1785, 70, § 5.  
R. S. 8, § 14.  
1842, 34.  
G. S. 12, § 18.  
P. S. 12, § 19.  
1888, 390, § 23.  
1889, 334, § 6.  
R. L. 13, § 31.  
1908, 99, § 1.  
5 Allen, 563.  
191 Mass. 503.

SECTION 30. The collector shall be liable for the tax and the charges of imprisonment of a person who is discharged, unless he arrested and committed such person within one year after the tax was committed to him for collection, or unless he shall be exonerated therefrom by the city or town to which the tax is due.

SECTION 31. A collector who is resisted or impeded in the exercise of the duties of his office may require any suitable person to aid him; and any such person refusing or neglecting to render such aid shall forfeit not more than ten dollars.

SECTION 32. If a tax assessed upon a person remains unpaid for fourteen days after demand therefor, the collector may issue his warrant to the sheriffs of the several counties, or their deputies, or to any constable or deputy collector of taxes of the city or town for which he is the collector, directing them and each of them to distrain the property or take the body of the person assessed and to proceed as required of collectors in like cases; but a collector of taxes who issues a warrant for the arrest of a person for non-payment of taxes, or the officer to whom he commits the warrant, may at his discretion, after the service of the warrant, allow such person to go free for a period not exceeding fourteen days after said service, at which time, if said person does not pay his tax with all fees and charges due thereon, including one dollar for service of said warrant and five cents for each mile travelled by said officer in the performance of said collection, the said officer shall then arrest the said person on the aforesaid warrant, and commit him to the jail of that county. The warrant shall run throughout the commonwealth, and any officer to whom it is directed may serve it and apprehend the person in any county.

#### COLLECTION BY SUIT.

Action for tax.  
1789, 4.  
R. S. 8, § 15.  
1859, 171.  
G. S. 12, § 19.  
P. S. 12, § 20.  
1888, 390, § 24.

SECTION 33. If a tax remains unpaid for three months after it has been committed to the collector, he may maintain an action in his own name against the person assessed therefor in the same manner as for his own debt.

1889, 334, § 7. R. L. 13, § 32. 179 Mass. 486. 189 U. S. 255.

Liability of  
executor, etc.  
1848, 235.  
1852, 234.  
G. S. 12, § 20.

SECTION 34. If a person assessed for a tax dies or becomes insolvent before the payment thereof, or if a tax is assessed upon the estate of a deceased person, the execu-

tor, administrator or assignee shall, if a demand has been made upon him therefor, forthwith upon receipt of any money applicable to the payment of the tax, pay the same, and in default shall be personally liable therefor as for his own tax.

P. S. 12, § 21.  
1888, 390, § 25.  
R. L. 13, § 33.  
97 Mass. 321.  
121 Mass. 222.  
149 Mass. 62.  
194 Mass. 77.

SECTION 35. If personal property in the possession of a corporation or an individual as an accumulating fund for the future benefit of heirs or other persons has been duly assessed to them in accordance with clause Sixth of section twenty-three of Part I, and they neglect, for one year after the tax has been committed to the collector, to pay the same, the collector may maintain an action in his own name against the trustee therefor as for his own debt; and the amount paid by said trustee may be allowed in his account.

Liability of trustee of accumulating fund.  
1878, 189, § 4.  
P. S. 12, § 22.  
1888, 390, § 26.  
R. L. 13, § 34.  
123 Mass. 355.  
124 Mass. 193, 196.

#### COLLECTION BY SALE OR TAKING OF LAND.

SECTION 36. Taxes assessed upon land, including those assessed under the provisions of sections sixteen, seventeen and eighteen of Part I, shall with all incidental charges and fees be a lien thereon from the first day of May in the year of assessment. Such lien shall terminate at the expiration of two years from the first day of October in said year, if the estate has in the mean time been alienated; otherwise it shall continue until an alienation thereof. There shall be no lien for taxes re-assessed if the property is alienated before the re-assessment. Said taxes, if unpaid for fourteen days after demand therefor, may, with said charges and fees, be levied by sale of the real estate, if the lien thereon has not terminated prior to the giving of the notice of sale.

Unpaid taxes to be a lien on land, etc.  
1830, 151, § 9.  
R. S. 8, § 18.  
1856, 239, § 1.  
1859, 118, §§ 1, 2.  
G. S. 12, §§ 22, 23.  
1878, 266, § 14.  
1881, 304, § 4.  
P. S. 12, §§ 24, 25.  
1888, 390, §§ 30, 31.  
1889, 334, § 9.  
R. L. 13, § 35.  
7 Pick. 15.  
2 Gray, 185.  
99 Mass. 31.  
106 Mass. 29.  
110 Mass. 387.  
119 Mass. 295.  
120 Mass. 299.  
124 Mass. 343.  
129 Mass. 379.

137 Mass. 407, 445.  
142 Mass. 577.

154 Mass. 209.  
178 Mass. 465.

185 Mass. 398.  
189 Mass. 182.

SECTION 37. If a mortgagee of land situated in the place of his residence, before the first day of September of the year in which the tax is assessed, gives written notice to the collector that he holds a mortgage on land, with a description of the land, the demand for payment shall be made on the mortgagee instead of the mortgagor.

Demand for payment by mortgagee, when.  
1848, 166, § 1.  
G. S. 12, § 24.  
P. S. 12, § 26.  
1888, 390, § 32.  
1889, 334, § 10.  
R. L. 13, § 36.

SECTION 38. If a mortgagee or an owner of land causes a notice, designating a place in the city or town in which such land lies at which all papers relative to taxes on such land which are to be served on him may be left, to be recorded in January of any year in the office of the clerk

— at designated place.  
1794, 68, § 1.  
R. S. 8, §§ 20, 21.  
1848, 166, § 2.  
G. S. 12, §§ 25, 26.  
P. S. 12, §§ 27, 28.

1888, 390,  
§§ 33, 34.  
1889, 334, § 11.  
1899, 425, § 1.  
R. L. 13, § 37.  
178 Mass. 465.

of such city or town and, during said month, to be delivered to the collector thereof, a notice, summons, demand for payment or other paper relating to the taxes on such land which are to be served by the collector shall be served at such place. The collector shall not advertise the sale of such land for two months after the time of a demand so made.

Notice of sale  
of land.

1785, 70, § 7.  
R. S. 8, §§ 24,  
25.  
1848, 166, § 3.  
G. S. 12, §§ 28,  
29.  
P. S. 12, §§ 30,  
31.  
1888, 390,  
§§ 35, 36.

SECTION 39. The collector shall give notice of the time and place of sale of land for payment of taxes by publication thereof. Such notice so published shall contain a substantially accurate description of the several rights, lots, or divisions of the land to be sold, the amount of the tax assessed on each, and the names of all owners known to the collector.

R. L. 13, § 38.  
13 Gray, 77.

124 Mass. 66.  
126 Mass. 280.

136 Mass. 33.  
180 Mass. 411.

Designation of  
place if name  
has been  
changed.

1785, 70, § 7.  
R. S. 8, § 26.  
G. S. 12, § 31.  
P. S. 12, § 33.  
1888, 390, § 38.

SECTION 40. If land to be sold is situated in a place the name of which shall have been changed by law within three years preceding the sale, the collector shall designate such place in his notices of the sale by its former and existing name.

R. L. 13, § 39.

Notice of sale,  
posting.

1785, 70, § 7.  
R. S. 8, § 27.  
1848, 166, § 4.  
G. S. 12, § 30.  
P. S. 12, § 32.

SECTION 41. The collector shall, three weeks before the sale, post a notice similar to that required by section thirty-nine in some convenient and public place in his precinct.

1888, 390, § 37.  
1889, 334, § 12.

1901, 108.  
R. L. 13, § 40.

126 Mass. 280.

Sale by auc-  
tion. Dispo-  
sition of pro-  
ceeds. Deposit  
by purchaser.

1785, 70, § 7.  
R. S. 8, §§ 28,  
29.  
G. S. 12, § 33.  
P. S. 12, § 35.  
1888, 390, § 40.  
1900, 376.  
R. L. 13, § 41.  
13 Gray, 77.  
3 Allen, 535.  
124 Mass. 65.  
126 Mass. 280.  
127 Mass. 39.  
152 Mass. 203.  
154 Mass. 209.  
171 Mass. 315.

SECTION 42. If the taxes are not paid, the collector shall, at the time and place appointed for the sale, sell by public auction the smallest undivided part of the land which will satisfy the taxes and necessary intervening charges, or the whole, if no person offers to take an undivided part; and may at such sale require of the purchaser an immediate deposit of such sum as he shall consider necessary to insure good faith in the payment of the purchase money, and on failure of the purchaser to make such deposit forthwith, the sale shall be void and another sale may be made as hereinbefore provided.

179 Mass. 74.

180 Mass. 411.

Adjournment  
of sale.

R. S. 8, § 30.  
G. S. 12, § 34.  
P. S. 12, § 37.  
1888, 390, § 42.

SECTION 43. The collector may adjourn the sale from time to time not exceeding seven days in all; and he shall give notice of every adjournment by a public declaration thereof at the time and place appointed for the sale.

R. L. 13, § 42.

112 Mass. 535.

Deed to  
purchaser;  
contents;  
record.

SECTION 44. The collector shall execute and deliver to the purchaser a deed of the land, which shall state the cause



of sale, the price for which the land was sold, the name of the person on whom the demand for the tax was made, the places where the notices were posted, the name of the newspaper in which the advertisement of the sale was published, and the residence of the grantee, and shall contain a warranty that the sale has in all particulars been conducted according to law. The deed shall convey, subject to the right of redemption, all the right and interest which the owner had in the land when it was taken for his taxes, and the premises conveyed shall also be subject to and have the benefit of all easements and restrictions lawfully existing in, upon or over said land or appurtenant thereto when so taken. Such deed shall not be valid unless recorded within thirty days after the sale.

SECTION 45. If it subsequently appears that, by reason of an error, omission or informality in the assessment or the sale, the purchaser has no claim upon the property sold, he may within two years after the date of the deed, offer by writing given to the collector, to surrender and discharge his deed or to assign and transfer to the city or town all his right, title and interest in the premises, as the collector shall elect. Such offer shall contain a specific statement of the reason why the holder has no claim on the land sold, with the evidence upon which he relies, and if such evidence consists of any public record or of facts shown therein, such offer shall contain a specific reference thereto. Upon such surrender and discharge or assignment and transfer, the city or town shall pay to the purchaser the amount which he paid with interest at the rate of eight per cent per annum which payment shall be in full for all damages for any defects in the proceedings or under the warranty in such deed. No city or town and no treasurer or collector thereof shall pay or be liable for any amount due under the provisions of this section unless such statement is filed.

SECTION 46. Whoever has a title to land under a sale for non-payment of taxes or other assessment and is a resident of the city or town in which such land lies, shall file with the treasurer of such city or town and in the registry of deeds, a statement of his residence and place of business, with the street and number, if any. Such person, who is not a resident of such city or town or who removes therefrom, shall appoint an agent residing therein, or in the place where the tax deed is recorded, authorized to

1785, 70, § 7.  
R. S. 8, § 31.  
1848, 166, § 5.  
G. S. 12, § 35.  
P. S. 12, § 38.  
1888, 390, § 43.  
1901, 197, 519.  
R. L. 13, § 43.  
1902, 423.  
1905, 193.  
2 Gray, 185.  
6 Allen, 576.  
118 Mass. 540.  
126 Mass. 278.  
127 Mass. 39.  
134 Mass. 88.  
136 Mass. 32.  
142 Mass. 576.  
154 Mass. 209.  
164 Mass. 335.  
178 Mass. 465.  
179 Mass. 183.  
180 Mass. 411.  
183 Mass. 333.  
192 Mass. 278.

Reimbursement of purchaser on surrender of deed if sale invalid.  
1862, 183, § 6.  
1878, 266, § 1.  
P. S. 12, § 39.  
1882, 243, § 3.  
1888, 390, § 44, 47.  
R. L. 13, § 44.  
10 Allen, 49.  
129 Mass. 567.  
131 Mass. 277.

Owner of tax title to file in registry of deeds, etc., a statement of residence, etc.  
1882, 243, § 1, 2.  
1888, 390, § 45, 46.  
R. L. 13, § 45.

release such land. He shall also file the statement above required in which he shall also state the name of such agent and his residence and place of business, with the street and number, if any. Whenever a person holding a tax title changes his residence or place of business or agent, he shall file a new certificate. Tender of payment to, and service of process upon, such agent shall be a sufficient tender to, or service upon, the holder of such tax title.

Collector to purchase for city or town if bid insufficient.  
1862, 183, §§ 1, 5.  
P. S. 12, § 40.  
1888, 390, § 48.  
R. L. 13, § 46.  
112 Mass. 535.

SECTION 47. If at the time and place of sale no person bids for the land so offered for sale an amount equal to the tax and charges, and if the sale has been adjourned one or more times, the collector shall then and there make public declaration of the fact; and, if no bid equal to the tax and charges is then made, he shall give public notice that he purchases for the city or town by which the tax is assessed, the said land as offered for sale at a price not exceeding the amount of the tax and the charges and expenses of the levy and sale, which amount shall be allowed to him in his settlement with such city or town.

Sale to be void if purchase money is not paid within twenty days.  
1862, 183, § 3.  
P. S. 12, § 41.  
1888, 390, § 49.  
1889, 334, § 13.

SECTION 48. If the purchaser of such land fails to pay the collector within twenty days after the sale the amount bid by him the sale shall be void, and the city or town shall be deemed to be the purchaser of the land, under the provisions of the preceding section.

R. L. 13, § 47.

126 Mass. 278.

140 Mass. 578.

Deed to city or town. Contents.  
1862, 183, § 2.  
P. S. 12, §§ 42, 43.  
1888, 390, §§ 50, 51.  
1889, 334, § 14.  
R. L. 13, § 48.  
6 Allen, 576.  
131 Mass. 57.

SECTION 49. If the city or town becomes the purchaser, the deed to it, in addition to the statements required by section forty-four, shall set forth the fact that no bid was made at the sale or that the purchaser failed to pay the amount bid, as the case may be, and shall confer upon such city or town the rights and duties of an individual purchaser.

Sale of unimproved, etc., land.  
1894, 537, §§ 1, 2.  
R. L. 13, § 49.

SECTION 50. If unimproved and unoccupied land does not exceed four thousand square feet in area, or is laid out in lots or parcels no one of which exceeds such area, and the taxes unpaid for any one year do not exceed fifty cents on such land, or on any such lot or parcel thereof, the collector may give notice of the sale by publication of an advertisement stating the name of the owner of record of each lot on the first day of May of the year of assessment, the tax due thereon and the number of such lot on a street, way or plan, without further description thereof.

SECTION 51. The collector may convey in one deed to the same purchaser or convey to the city or town, any number of the lots so advertised and sold, and said deed shall state the name of said owner of record of each lot conveyed therein, on the first day of May of said year, the amount of the taxes and cost due for each lot, and the number on the street, way or plan of each lot respectively and need contain no further description of the lot, owner or amount due.

Deeds of such land.  
1894, 537, § 3.  
R. L. 13, § 50.

SECTION 52. The cost of advertisement shall be apportioned equally among all the lots specified in the advertisement; the cost of the sale shall be apportioned equally among all the lots sold, and the cost of the deed shall be apportioned equally among all the lots conveyed thereby.

Apportionment of cost of advertisement, sale and deed.  
1894, 537, § 4.  
R. L. 13, § 51.

SECTION 53. Deeds to a city shall be placed in the custody of its collector, and to a town in the custody of its treasurer, and all applications for the redemption of the land conveyed thereby shall be made to such collector or treasurer respectively. Cities and towns may make regulations for the custody, management and sale of such land and for the assignment of tax titles, not inconsistent with law or with the right of redemption.

Custody of tax title deeds to cities and towns.  
Management of tax titles, how regulated.  
1862, 183, §§ 2, 4.  
P. S. 12, § 43.  
1888, 390, § 51.  
1889, 334, § 14.  
R. L. 13, § 52.

SECTION 54. If a tax on land is not paid within fourteen days after demand therefor and remains unpaid at the date of taking the collector may take such land for the city or town, first giving three weeks' notice of his intention to exercise such power of taking; which notice may be served in the manner required by law for the service of subpoenas upon witnesses in civil cases or may be published, and shall conform to the requirements of section thirty-nine. He may also post a similar notice under the provisions of section forty-one.

Taking of land by collector for taxes.  
Notice.  
1878, 266, § 5.  
1881, 304, § 4.  
P. S. 12, § 44.  
1888, 390, § 52.  
R. L. 13, § 53.

SECTION 55. The instrument of taking shall be under the hand and seal of the collector and shall contain a statement of the cause of taking, a substantially accurate description of each parcel of land taken, the name of the person to whom the same was assessed, the amount of the tax thereon, and the incidental expenses and costs to the date of taking, and shall be recorded in the registry of deeds; and the title to the land so taken shall thereupon vest in the city or town subject to the right of redemption.

Instrument of taking, form, contents, effect.  
1878, 266, § 5.  
P. S. 12, § 46.  
1888, 390, § 54.  
1892, 109, § 2.  
R. L. 13, § 54.  
191 Mass. 576.

Fees for taking.

1878, 266, § 13.  
P. S. 12, § 47.  
1888, 390, § 55.

Sale or taking to be of entire estate. In whose name to be made.  
1881, 304, § 4.  
P. S. 12, § 48.  
1888, 390, § 56.  
R. L. 13, § 56.  
175 Mass. 355.  
180 Mass. 65.  
183 Mass. 303.

Affidavit of collector, etc., to be evidence.  
1794, 68.  
R. S. 8, §§ 22, 23.  
G. S. 12, §§ 27, 32.  
1878, 266, § 5.  
P. S. 12, §§ 34, 45.  
1888, 390, §§ 39, 53.

Redemption of land taken or sold for taxes.  
1785, 70, § 7.  
R. S. 8, § 32.  
1850, 98, §§ 1, 2.  
G. S. 12, § 36.  
1878, 266, §§ 9, 14.  
1879, 73, 94.  
1881, 304, § 4.  
P. S. 12, § 49.  
1888, 390, § 57.  
R. L. 13, § 58.  
1905, 325, § 1.  
98 Mass. 44.  
126 Mass. 278, 335.  
127 Mass. 504.  
130 Mass. 125.  
136 Mass. 267.  
148 Mass. 446.  
166 Mass. 407.  
171 Mass. 315.  
174 Mass. 303.  
177 Mass. 431.  
178 Mass. 460.  
179 Mass. 41, 112, 183.  
185 Mass. 119, 398.  
186 Mass. 440.  
189 Mass. 139.

SECTION 56. If land has been so taken there shall be allowed to the collector and added to the tax the charges and fees fixed by section thirteen.

SECTION 57. The assessment, sale or taking may be made in the name of one or more of the record owners at the date of assessment, and if so made, shall, subject to the provisions of section forty-two, be deemed to be in the name of the owner thereof. Every such sale or taking shall be of the whole estate and not of the undivided interest of any joint owner thereof.

SECTION 58. The affidavit of the collector, deputy collector or disinterested person reciting the proceedings required by law in the sale of land for taxes, with copies of the advertisement and notices annexed thereto, recorded within three months after such sale in the registry of deeds, shall be competent evidence of demand, notice and service.

1892, 109, § 1.

R. L. 13, § 57.

152 Mass. 203.

SECTION 59. The owner of land taken or sold for payment of taxes, including those assessed under the provisions of sections sixteen, seventeen and eighteen of Part I, or his heirs or assigns, may, within two years after the taking or sale, redeem the same by paying or tendering to the collector, if the estate has been taken or purchased by the city or town, the amount of the tax, all intervening taxes, charges and fees, and interest on the whole at the rate of eight per cent per annum; or by paying or tendering to the purchaser, or his legal representatives or assigns, the original sum and intervening taxes paid by him and interest on the whole at the rate of eight per cent per annum. In each case he shall also pay for examination of the title and for a deed of release not more than three dollars in the aggregate; and in addition thereto the actual cost of recording the tax deed or evidence of taking, and shall be credited with any rents and profits received by the purchaser.

He may redeem land so taken or sold as above provided at any time within two years after he has actual notice of the taking or sale: —

First, If the land has been taxed as belonging to persons unknown, and no person has been named in the tax list as owner or occupant.

Second, If the person named in said list is merely a tenant or occupant of the premises, and not the owner thereof.

Third, If there is in the tax lists, notices or deeds any substantial and misleading error in the name of the person taxed.

Fourth, If the person offering to redeem is a mortgagee of record and the tax was not assessed to him.

SECTION 60. Whoever knowingly collects or attempts to collect for the redemption of land sold for payment of taxes a sum of money greater than that authorized by the preceding section shall be punished by a fine of not more than one hundred dollars.

Penalty for attempt to collect unlawful amount for redemption of estate.  
1891, 288.  
R. L. 13, § 59.

SECTION 61. Any person having an interest in any such land may redeem it as provided in section fifty-nine by paying to the collector of the place in which the land is situated the amount which he would be required to pay to the purchaser, with one dollar additional.

Redemption if purchaser cannot be found.  
1848, 166,  
§§ 6, 8.  
G. S. 12, § 37.  
P. S. 12, § 50.  
1888, 390, § 58.  
R. L. 13, § 60.

1902, 443. 178 Mass. 460. 179 Mass. 112. 186 Mass. 440.

SECTION 62. Said collector shall receive any money so paid and give to the person paying it a certificate specifying the amount paid, the name of the person to whom and the real estate on which the tax was originally assessed, and the registry of deeds and the book and page of the records therein where the collector's deed is recorded; and the recording of the certificate in said registry shall extinguish all right and title acquired under the collector's deed. The collector shall on demand pay over all money so paid, to the person entitled thereto as determined by him, except that he shall retain one dollar to be accounted for for the use of the city or town, and if the amount so paid is less than the purchaser was entitled to, the balance with interest at eight per cent per annum may after demand therefor be recovered by said purchaser against the person paying such amount, in an action of contract, if such action is commenced within three months after such payment to the collector.

Disposition of money by collector.  
Release of title under collector's deed.  
1848, 166, § 7.  
G. S. 12, § 38.  
P. S. 12, § 51.  
1888, 390, § 59.  
R. L. 13, § 61.  
1902, 443.  
1905, 325, § 2.  
186 Mass. 440.

SECTION 63. If proceedings have been commenced for the taking or sale of land for a tax assessed thereon, or if the owner of land has neglected, for three months after demand, to pay such tax, and the collector has made de-

Mortgagee may pay taxes, when.  
1856, 239, § 2.  
G. S. 12, § 39.  
1878, 266, § 14.  
P. S. 12, § 52.



1888, 390, § 60. R. L. 13, § 62.  
 129 Mass. 291.  
 131 Mass. 278.  
 170 Mass. 551.

mand therefor upon a holder of a mortgage thereon, such holder may in like manner pay such tax, charges and expenses and the amount so paid may be added to the mortgage debt.

Mortgagee shall pay them on taking possession; entitled to deed on tender.  
 1856, 239, § 3.  
 G. S. 12, § 40.  
 1878, 266, § 14.  
 1879, 73, 94.  
 P. S. 12, § 53.  
 1888, 390, § 61.  
 R. L. 13, § 63.  
 5 Allen, 65.  
 129 Mass. 291.  
 130 Mass. 126.  
 131 Mass. 278.  
 137 Mass. 444.  
 177 Mass. 431.  
 179 Mass. 41.

SECTION 64. If the holder of a mortgage takes possession of land thereunder, all taxes due and constituting a lien thereon, and the expenses of any taking or sale which has been commenced or has taken place, may be recovered of him in an action of contract by the collector, or by the purchaser, as the case may be; and upon payment or tender by the mortgagee to the collector or to the purchaser of the amounts so due within the time provided by section fifty-nine for owners of land to make payment, the city or town or the purchaser shall convey to him all the interest acquired by the taking or sale.

Mortgage taxes payable by either party. To be added to or deducted from mortgage debt.  
 1881, 304, § 5.  
 P. S. 12, § 55.  
 1888, 390, § 63.  
 R. L. 13, § 64.  
 131 Mass. 278.

SECTION 65. Any part of a tax assessed upon land which is assessed to a mortgagor and mortgagee separately and remains unpaid on the first day of January next following such assessment, may be paid by either party. If a mortgagee pays a tax, interest or costs thereon which by law or by the terms of the mortgage was payable by the mortgagor, the amount so paid shall be added to the mortgage debt. If it is by law or by the terms of the mortgage payable by the mortgagee, and is paid by the mortgagor, the amount so paid shall be deducted from the mortgage debt unless the parties have, in writing, otherwise agreed.

Payment of taxes by person not the owner of the fee.  
 1856, 239, §§ 1-3.  
 G. S. 12, § 41.  
 P. S. 12, §§ 54, 57.  
 1888, 390, §§ 62, 63, 65.  
 R. L. 13, § 65.

SECTION 66. If a person other than the owner of the fee, rightfully pays the taxes assessed upon land to the collector or treasurer, before a taking or sale, the treasurer or collector shall give him a certificate of such payment stating the name of the person to whom the land is taxed, of the person paying the tax, and a substantially accurate description of the land. Such certificate being recorded in the registry of deeds within thirty days from its date shall be notice to all persons of such payment and of the lien therefor. A person whose tax is paid by another shall upon repaying the same have the same right to recover it from the city or town, if illegally assessed, which he would have had if the tax had been paid by him under protest in writing.

Assessment of land taken by a city or town.  
 1862, 183, § 8.

SECTION 67. If land is taken or purchased by a city or town, taxes shall be assessed thereon as though the

same were not so taken or purchased; and shall be deducted from the proceeds of the final sale.

SECTION 68. If no person redeems land taken or purchased by a city or town within the time prescribed by law, its collector for the time being, without any vote or other special authority shall, within two years after the time for redemption has expired, sell the same by public auction, first giving the notice required by the provisions of section forty-one for sales for taxes; and if, from any cause, such sale shall not be made within two years, it shall be made by the collector when he deems best or at once upon the service upon him of a written demand of any person interested therein. The collector shall state in his notice of sale the smallest amount for which the sale will be made and shall, for the city or town, execute and deliver to the highest bidder therefor a quitclaim deed. He shall deduct from the proceeds of said sale the expense thereof, the amount named in the collector's deed or instrument of taking as due when the same was executed, all interest, charges and subsequent taxes and assessments thereon. The balance shall be deposited with the city or town treasurer to be paid to the person entitled to the land, if demanded within five years; otherwise it shall inure to said city or town.

SECTION 69. If no person bids at such sale said amount or more, or if the person to whom the land is sold does not within ten days pay to the collector the sum bid by him, the collector shall make an affidavit of the facts, which shall be recorded in the registry of deeds within thirty days of the date at which the land was offered for sale, after which said affidavit shall be in the custody of the city or town treasurer, and the same, or a copy thereof, certified by the register of deeds, shall be prima facie evidence of the facts therein stated.

SECTION 70. The collector shall, within thirty days after the recording of said affidavit, take possession of said land in behalf of the city or town, which may make regulations for the custody, management and sale thereof, and taxes shall be assessed thereon in the name of such city or town until it shall be sold; and such subsequent sale and the money received therefrom shall be held as provided in section sixty-eight.

1878, 266, § 10.  
P. S. 12, § 56.  
1888, 390, § 64.

Sale of unredeemed land taken by city or town.  
1862, 183, § 7.  
1878, 266, § 10.  
P. S. 12, § 58.  
1883, 101.  
1886, 320, § 1.  
1888, 390, § 66.  
R. L. 13, § 67.

Proceedings if no sufficient bid is made.  
1886, 320, § 2.  
1888, 390, §§ 67, 68.  
R. L. 13, § 68.

Collector to take possession of unredeemed land held by city or town.  
1886, 320, § 3.  
1888, 390, § 68.  
R. L. 13, § 69.

## PROCEEDINGS IF TAX TITLE IS HELD INVALID.

Proceedings of collector who deems tax title invalid.  
 1878, 266, § 2.  
 P. S. 12, § 59.  
 1888, 390, § 69.  
 1889, 334, § 15.  
 R. L. 13, § 70.

SECTION 71. If a collector has reasonable cause to believe that the title to land which has been sold for the non-payment of taxes or of assessments, a lien for which is enforceable by a sale of land, is invalid by reason of an error, omission or informality in the assessment or sale, he may, within two years after the date of the deed of such land, give notice to the record owner thereof, requiring him, within thirty days thereafter, to release any interest which he may have in such land under said deed, and to receive from the city or town the amount paid therefor with interest at ten per cent or to file with the collector a statement in writing that he refuses to release such interest. Such statement, if recorded in the registry of deeds, shall release the city or town from any liability upon the warranty in said deed.

Notice to holder of such title.  
 1878, 266, § 3.  
 P. S. 12, § 60.  
 1888, 390, § 70.  
 R. L. 13, § 71.

SECTION 72. If, within thirty days after such notice, such owner does not comply therewith, the collector shall cause a copy thereof, with an affidavit by himself or by a disinterested person of the service thereof and of the facts in the case, to be recorded in the registry of deeds. A note of reference to the record of said copy shall be made on the margin of the record of the collector's deed therein referred to; and from the time of such record the interest payable by reason of a breach of warranty in such deed shall cease, and all right and title which may have been acquired under such deed shall be held to be released. The collector shall give notice of such proceedings to the treasurer of the city or town, who shall, upon reasonable demand, pay over out of any funds in his hands the amount due in respect of said deed to the persons entitled thereto.

Re-assessment and collection. Disclaimer of title by taking.  
 1878, 266, §§ 4, 7.  
 P. S. 12, §§ 61, 62.  
 1888, 390, §§ 71, 72.  
 1889, 334, § 15.  
 R. L. 13, § 72.

SECTION 73. If the invalidity of a title described in section seventy-one was caused by an error, omission or informality in the assessment, the collector, after obtaining from the holder of the deed a release of his interest or after causing a copy of the notice to be filed and recorded as provided in the preceding section, shall forthwith notify the board by which the tax or assessment was laid, which shall forthwith re-assess it as provided in section eighty-six of Part I. If such invalidity was caused by an error, omission or informality in the proceedings of the

collector, he shall, after obtaining such release or after filing and recording such copy, forthwith collect the unpaid tax or assessment in conformity to law. If the collector has reasonable cause to believe that a tax title, held by a city or town under a sale or taking for payment of a tax, is invalid by reason of any error, omission or informality in the assessment, sale or taking, he may disclaim and release such title by an instrument under his hand and seal, duly recorded in the registry of deeds.

#### LIEN OF CO-TENANTS.

SECTION 74. A tenant in common or joint tenant, who pays the entire tax assessed upon the land held jointly or in common, shall have a lien upon the interest of each of his co-tenants, to secure the payment to him of the proportion of such tax payable by each of said co-tenants respectively, with the costs of enforcing the same; but any person whose tax has been so paid by his co-tenant shall have the same right to recover it back if illegally assessed as he would have had if the tax had been paid under a protest by him in writing.

Tenant in common, etc., paying tax, to have lien on interest of co-tenant.  
1875, 236, § 1.  
P. S. 12, § 63.  
1888, 390, § 73.  
R. L. 13, § 73.

SECTION 75. Such lien may be enforced in the manner provided for enforcing liens on buildings and land; and shall be dissolved, unless the person desiring to avail himself thereof makes a certificate setting forth a description, sufficiently accurate for identification, of the property intended to be covered by the lien, the names of the several co-tenants and the interest of each therein, the amount of the tax paid, and the amount due from each co-tenant, which shall be subscribed and sworn to by him, or by some one in his behalf, and shall within thirty days after the day of payment of said tax be recorded in the registry of deeds, and unless a suit to enforce it is commenced within ninety days after the date of recording said certificate. Such lien shall not be valid against a mortgage actually existing and duly recorded prior to the recording of said certificate.

Enforcement and dissolution of lien.  
1875, 236, §§ 2-5.  
P. S. 12, §§ 64, 65.  
1888, 390, §§ 74, 75.  
R. L. 13, § 74.  
148 Mass. 444.

#### MISCELLANEOUS PROVISIONS.

SECTION 76. The supreme judicial court and the superior court shall have jurisdiction in equity in all cases of taking or sale of land for the payment of taxes if

Relief in equity.  
1849, 213, § 2.  
1856, 239, § 4.  
G. S. 12, § 42.

1878, 266, § 14.  
P. S. 12, § 66.  
1888, 390, § 76.  
1900, 177.  
R. L. 13, § 75.  
1905, 325, § 3.  
1908, 226.  
10 Met. 101.  
11 Gray, 410.  
98 Mass. 44.  
99 Mass. 209.  
112 Mass. 86.  
126 Mass. 337.  
143 Mass. 59.  
150 Mass. 73.  
168 Mass. 76.  
172 Mass. 436.  
175 Mass. 485.  
177 Mass. 431.  
178 Mass. 460.  
179 Mass. 112.

relief is sought within six years after the taking or sale. In cases where such relief is obtained if, prior to the commencement of suit, the plaintiff tendered to the defendant an amount sufficient to cover the original sum, intervening taxes, costs, and interest at the rate of eight per cent per annum, to the date of tender, the defendant shall be entitled to interest at said rate, for two years only from the time of taking or sale, and the court shall allow to the plaintiff such counsel fee as it may deem reasonable; said amount to be deducted from the sum which it is determined the plaintiff must pay the defendant for the redemption of his land.

187 Mass. 474.

189 Mass. 366.

By-laws, etc., to regulate power of sale or of taking by collector.  
1878, 266, § 6.  
1879, 169.  
P. S. 12, § 67.  
1888, 390, § 77.  
R. L. 13, § 76.

SECTION 77. A city or town may, by ordinance or by-law, respectively, direct whether its collector shall exercise the power of sale or the power of taking to enforce the lien for taxes; and in default of such ordinance or by-law the collector may exercise either power at his discretion; but the passage of any such ordinance or by-law shall not render invalid any proceedings then pending.

Posting of tax list, etc., by sheriff.  
1785, 70.  
§§ 3, 4.  
R. S. 8, § 34.  
G. S. 12, § 43.  
P. S. 12, § 68.  
1888, 390, § 78.  
R. L. 13, § 77.

SECTION 78. When the tax list and warrant of the assessors is committed to the sheriff or his deputy, he shall forthwith post, in some public place in the city or town assessed, an attested copy of said list and warrant; and shall make no distress for a tax within thirty days thereafter.

Sheriff's fees for collecting.  
1785, 70, § 4.  
R. S. 8, § 35.  
G. S. 12, § 44.  
P. S. 12, § 69.  
1888, 390, § 79.  
R. L. 13, § 78.

SECTION 79. If a person pays his tax within said thirty days, the officer shall receive from him for his fees five per cent on the sum assessed; but if a tax remains unpaid after said thirty days, he shall collect the same by distress or imprisonment, or by sale of land as a collector would do. The officer may also levy his fees for service and travel in the collection of each person's tax, as in other cases of distress and commitment, or sale of land.

Proceedings of treasurer as collector.  
1817, 69.  
1834, 148.  
R. S. 8, §§ 36, 61.  
G. S. 12, § 45.  
1874, 28, § 2.  
P. S. 12, § 70.  
1888, 390, § 80.  
R. L. 13, § 79.

SECTION 80. If a city or town appoints its treasurer the collector of taxes, he may issue his warrants to the sheriff of the county, or his deputy, or to any constable of the city or town, returnable in sixty days, requiring them to collect any or all taxes due. Such warrants shall be substantially in the same form, and shall confer the same powers as warrants by assessors to collectors.

8 Allen, 330.

191 Mass. 503.

Foreign corporations and non-residents

SECTION 81. When any foreign corporation, or non-resident person doing business in the commonwealth shall



for sixty days neglect, refuse or omit to pay a tax lawfully assessed and payable, any court having jurisdiction in equity may upon petition of the collector of taxes of the city or town where the tax is assessed restrain said corporation or person from doing business in the commonwealth until said tax, with all incidental costs and charges, shall have been paid. Service of process upon any such petition may be made by an officer duly qualified to serve process, by leaving a duly attested copy thereof at the place where the business is carried on.

SECTION 82. The board of aldermen or selectmen may empower any officer authorized to collect taxes to appoint such deputies as he deems expedient. Any such deputy may be a woman. Such deputies shall give bond for the faithful performance of their duties in such sum as the board of aldermen or selectmen may prescribe and shall have the powers of collectors of taxes.

SECTION 83. The treasurer or other disbursing officer of any city or town, may, and if so requested by the collector, shall, withhold payment of any money payable to any person whose taxes are then due and wholly or partly unpaid to an amount not exceeding the unpaid tax with interest and costs. The sum withheld shall be paid or credited to the collector, who shall, if required, give a written receipt therefor. The person taxed may in such case have the same remedy as if he had paid such tax after a levy upon his goods. The collector's rights under the provisions of this section, shall not be affected by any assignment or trustee process.

SECTION 84. The mayor and aldermen or the selectmen may require the collector once in two months to exhibit to them a true account of all money received on the taxes committed to him, and to produce the treasurer's receipts for all money paid into the treasury by him. If he neglects or refuses so to exhibit his accounts, he shall forfeit two and one half per cent on the sums committed to him for collection.

SECTION 85. The collector shall be credited with all sums abated; with the amount of taxes assessed upon any person committed to jail for non-payment of his tax within one year from the receipt of the tax list by the collector, and who has not paid his tax; with any sums which the city or town may see fit to abate to him, due from persons

may be restrained.  
1902, 349.  
194 Mass. 127.

Deputy collectors, appointment, bond.  
1874, 28, § 1.  
P. S. 12, § 71.  
1888, 390, § 81.  
R. L. 13, § 80.  
1908, 247.

City, etc., treasurer may withhold money due to persons owing taxes.  
1878, 266, § 8.  
P. S. 12, § 72.  
1888, 390, § 82.  
R. L. 13, § 81.

Accounts of collectors to be exhibited bi-monthly if required.  
1783, 66,  
§§ 1, 2.  
R. S. 8, §§ 45, 46.  
G. S. 12, §§ 46, 47.  
P. S. 12, §§ 73, 74.

Credits to collectors for abatements, etc.  
1785, 42, § 6.  
R. S. 8, § 43.  
G. S. 12, § 48.  
1862, 183, § 5.  
P. S. 12, § 75.  
1888, 390, § 85.  
R. L. 13, § 83.

1908, 99, § 2.  
9 Met. 503.  
13 Gray, 324.

committed after the expiration of a year; with all sums withheld by the treasurer of a city or town under section eighty-three; and with the amount of the taxes and charges where land has been purchased or taken by the city or town for non-payment of taxes. When a collector is credited with the amount of taxes assessed upon any person committed to jail for the non-payment of his tax, who has not paid his tax, said collector shall also be paid and credited with the fees and charges which have become a part of said taxes and to which he or the officer acting under his warrant is entitled.

Removal by  
selectmen of  
disqualified  
collector.  
1783, 10, § 1.  
1785, 46, § 15.  
1791, 22, § 1.  
R. S. 8, § 40.  
G. S. 12, § 52.  
P. S. 12, § 79.  
1888, 390, § 89.  
R. L. 13, § 84.  
7 Gray, 130.

SECTION 86. If a collector becomes insane, absconds or removes from the city or town or in the judgment of the board of aldermen or of the selectmen is about so to remove or is otherwise unable to discharge his duty, or if he refuses on demand to exhibit to the board of aldermen or to the selectmen his books, vouchers and accounts of collections as herein provided, the board of aldermen or the selectmen may remove him from office.

Tax list of de-  
ceased, etc.,  
collector, how  
completed.  
1785, 46, § 5;  
70, § 1.  
R. S. 8, § 39.  
G. S. 12, § 53.  
1881, 138, § 1.  
P. S. 12, § 80,  
81.

SECTION 87. If a collector dies or is removed from office or if the term of office of a collector who is paid by a fixed salary expires before the collection of the taxes committed to him is completed, the assessors shall commit to his successor the list of taxes uncollected with their warrant.

1888, 390, §§ 90, 91.

R. L. 13, § 85.

1 Met. 524.

Action to re-  
cover back  
taxes paid to  
collector, when  
maintainable.  
1859, 118,  
§§ 3, 4.  
G. S. 12, § 56.  
P. S. 12, § 84.  
1888, 390, § 94.  
R. L. 13, § 86.  
9 Gray, 38.  
13 Gray, 476.  
1 Allen, 319.  
10 Allen, 48.  
99 Mass. 209.  
102 Mass. 348.  
126 Mass. 98.  
127 Mass. 502.  
129 Mass. 551.  
132 Mass. 89.  
149 Mass. 242.  
151 Mass. 226.  
152 Mass. 204.

SECTION 88. No action to recover back a tax shall be maintained, except as provided in section seventy-four, unless it is commenced within three months after payment of the tax nor unless such tax is paid either after an arrest of the person paying it, a levy upon his goods, a notice of a sale of his land, a protest in writing signed by him, or a withholding of money due to him under the provisions of section eighty-three. In an action founded upon an error or irregularity in the assessment or apportionment of a tax, only the amount in excess of the tax for which the plaintiff was liable shall be recoverable; and no sale, contract or levy shall be avoided solely by reason of such error or irregularity.

Forms.  
1888, 390, § 96.  
1889, 334, § 16.  
R. L. 13, § 87.  
180 Mass. 411.  
191 Mass. 503.

SECTION 89. The following forms may be used in proceedings for the collection of taxes under the provisions of this part, and, if substantially followed, they shall be deemed sufficient for the proceedings to which they re-

spectively relate; but other suitable forms may also be <sup>Forms.</sup> used. These forms may also be used, so far as applicable, in the collection of betterments and other assessments of like character.

SCHEDULE OF FORMS.

No. 1.—FORM OF DEMAND UNDER SECTION 14.

COLLECTOR'S OFFICE, B, , 19 .  
 To \_\_\_\_\_  
 Herewith find your tax bill due 19 , amounting to \$ . Payment of the same is hereby demanded. [If interest has been voted by the city or town, add] Interest at the rate of per cent per annum will be charged from 19 . You are hereby notified that unless your tax is paid in fourteen days from this date, with all legal charges, the collector will then proceed to collect the same according to law. C D,  
*Collector of Taxes for the of .*

No. 2.—FORM OF NOTICE OF SALE OF DISTRAINED PROPERTY UNDER SECTION 22.

COLLECTOR'S SALE.

Distrained upon a warrant of distress for non-payment of taxes, and will be sold by public auction on , the day of , 19 , at o'clock M., at , unless said taxes, interest and charges shall be paid before the sale, the following described property, to wit: [Here describe the property.]

B, 19 . C D,  
*Collector of Taxes for the of .*

No. 3.—FORM OF NOTICE OF ADJOURNMENT OF SALE UNDER SECTION 23.

[To the original notice of sale, or a copy thereof, add the following, and post at the place of sale:—]

The collector hereby gives notice that the above sale stands adjourned to , the day of , 19 , at the same hour and place.

B, 19 . C D,  
*Collector of Taxes for the of .*

No. 4.—FORM OF CERTIFICATE TO BE MADE UPON AN ATTESTED COPY OF WARRANT WHEN CORPORATE STOCK IS SEIZED UNDER SECTION 24.

COLLECTOR'S OFFICE, B, , 19 .

I hereby give notice that I have seized share of the capital stock of the [A B Company] standing in the name of by virtue of a warrant of distress, a copy of which is

Forms.

herewith presented. Said share being seized and distrained for the non-payment of a tax duly assessed upon the said by the assessors of for the year 19 , amounting to the sum of which the said , after due demand, has neglected and refused to pay.

B, 19 . C D,  
Collector of Taxes for the of .

No. 5.—FORM OF COLLECTOR'S WARRANT TO DISTRAIN OR COMMIT UNDER SECTION 32.

COMMONWEALTH OF MASSACHUSETTS.

*To the Sheriffs of our several Counties, or their Deputies, or to any Constable of or Deputy Collector of Taxes for the of in the County of .*

GREETING:

WHEREAS, a resident of in the County of was duly assessed as of the first day of May in the year nineteen hundred and , by the Assessors of the of a tax in the sum of dollars; and the same now, after the expiration of fourteen days from the date of a demand made upon him by me in accordance with law for the payment of the same, remains unpaid; Therefore,

In the name of the Commonwealth of Massachusetts, you and each of you, are required and directed to distrain the goods or chattels of the said person so assessed sufficient to satisfy and pay the amount due for such tax and interest, and all fees and charges of keeping and selling the same, saving and excepting the tools or implements necessary for the trade or occupation of the said person so assessed, beasts of the plow necessary for the cultivation of his improved land; military arms; utensils for house-keeping necessary for upholding life; and bedding and apparel necessary for the said person so assessed and his family. And the goods and chattels so distrained by you, you are required to keep at the cost and charge of the owner for four days at least and within seven days after the seizure to sell the same at public auction, for the payment of the said amount due, having first posted up a notice of the sale in some public place in the town or city where found, forty-eight hours at least before the sale: *provided, however*, that you may, if you shall see fit, once adjourn said sale for a time not exceeding three days, in which case you shall forthwith post up a notice of such adjournment and of the time and place of sale. And if said distress shall be sold for more than the said amount due, you shall return the surplus to the owner of such goods or chattels upon demand, with an account in writing of the sale and charges. And if you cannot find sufficient goods and chattels belonging to the person assessed, whereon to make distress, you shall take the body of the said person and him commit to one of the common jails in the county in which you shall arrest him, there to remain until he shall pay said tax, interest, charges, and fees, or until he shall be discharged therefrom by due course of law.

And in case you shall commit said person so assessed to jail by **Forms.** virtue of this Warrant, you are required to give the keeper of the jail wherein he may be committed an attested copy of this Warrant, with a certificate thereon under your hand, setting forth that for want of goods and chattels of the said person whereof to make distress, you have taken his body and committed him to jail as aforesaid; and also setting forth the amount said person is to pay as his tax, interest, charges, and fees.

Hereof fail not, and make return of this Warrant, with your doings thereon, within sixty days from the date hereof.

Given under my hand and seal this                      day of                      19   .  
    C D,                      [SEAL.]  
*Collector of Taxes for the                      of                      .*

NO. 6. — FORM OF CERTIFICATE REQUIRED BY SECTION 28 TO BE  
GIVEN BY A COLLECTOR WHEN A COMMITMENT IS MADE BY  
HIM.

I hereby certify that the tax assessed in the [city or town] of \_\_\_\_\_, 19\_\_\_\_  
as of the first day of May in the year \_\_\_\_\_ upon \_\_\_\_\_  
remains unpaid for fourteen days after demand there-  
for made by me; and that for want of goods and chattels whereof  
to make distress, I commit the said person to jail.

I also certify that the amount the said person is to pay for said tax, interest, charges and fees, is \_\_\_\_\_ dollars.

C D,

Collector of Taxes for the                      of

NO. 7.—FORM OF CERTIFICATE REQUIRED BY SECTION 28 TO BE  
INDORSED ON COPY OF WARRANT IN CASE OF COMMITMENT.

I hereby certify that, by virtue of the warrant, of which the within is a true copy, for want of goods and chattels whereof to make distress, I have taken the body of the within named

and committed him to jail, and that the amount which he is to pay as his tax, interest, charges and fees is \_\_\_\_\_ dollars.

E. F.

E F,  
Deputy Collector of Taxes for the                      of .

No. 8. — FORM OF SUMMONS UNDER SECTION 15.

To \_\_\_\_\_ B, \_\_\_\_\_, 19 \_\_\_\_.

Your tax for the year 19 \_\_, amounting to \$ \_\_\_\_\_ (*and interest thereon*), is now due. You are required to pay the same within ten days from this date with twenty cents for this summons. At the expiration of that time, if the tax is not paid, the collector will proceed to collect the same according to law.

C D,

Collector of Taxes for the                      of



Forms.

## No. 9. — FORM OF DEMAND OF TAX ON REAL ESTATE UNDER SECTION 36.

COLLECTOR'S OFFICE, C, , 19 .

To \_\_\_\_\_

In compliance with the statute I hereby demand of you payment of \_\_\_\_\_ dollars, that being the amount of tax assessed for the year 19 \_\_\_\_\_ on the estate in this [city or town] [here give a brief statement of the estate] and owned or occupied by you at the date of assessment. You are hereby notified that if said amount, together with the interest, legal costs and charges thereon, is not paid within fourteen days from this date, the said estate will be sold by public auction, pursuant to law.

C D,

*Collector of Taxes for the \_\_\_\_\_ of \_\_\_\_\_ .*

## No. 10. — FORM OF COLLECTOR'S NOTICE OF SALE OF REAL ESTATE TO BE PUBLISHED IN A NEWSPAPER UNDER SECTION 39.

B, , 19 .

The owners and occupants of the following described parcels of real estate situated in the [city or town] of \_\_\_\_\_, in the county of \_\_\_\_\_ and Commonwealth of Massachusetts, and the public are hereby notified that the taxes thereon severally assessed for the years hereinafter specified, according to the list committed to me as collector of taxes for said \_\_\_\_\_ by the assessors of taxes, remain unpaid, and that the smallest undivided part of said land sufficient to satisfy said taxes, with interest and all legal costs and charges, or the whole of said land if no person offers to take an undivided part thereof, will be offered for sale by public auction at the \_\_\_\_\_ in said \_\_\_\_\_ on \_\_\_\_\_, 19 \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., for the payment of said taxes with interest, costs and charges thereon, unless the same shall be previously discharged. [Here state the name of the party taxed, if known; a substantially accurate description of the estate; the year in which the tax is assessed; and the amount of the tax on each parcel of real estate.]

C D,

*Collector of Taxes for the \_\_\_\_\_ of \_\_\_\_\_ .*

## No. 11. — FORM OF AFFIDAVIT OF COLLECTOR, DEPUTY COLLECTOR OR DISINTERESTED PERSON OF DEMAND UNDER SECTION 58 TO BE RECORDED IN THE REGISTRY OF DEEDS.

S, , 19 .

I [A B, collector, deputy collector or a disinterested person,] hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, I served upon \_\_\_\_\_ a demand for the payment of a tax of \_\_\_\_\_ dollars assessed upon him by the assessors of \_\_\_\_\_, in 19 \_\_\_\_\_, upon the estate in said \_\_\_\_\_ [here give a substantially accurate description of the estate], with a notice that if said amount and interest thereon, together with the legal costs and charges and interest thereon, was not paid within fourteen days from the date thereof, that the said estate would be sold by public auction, pursuant to law.

A B.

COMMONWEALTH OF MASSACHUSETTS.

H , ss. 19 . Forms.

Then personally appeared the said A B, and made oath that this statement by him subscribed is true.

Before me,

*Justice of the Peace.*

No. 12.—FORM OF AFFIDAVIT UNDER SECTION 58, WHEN THE DEMAND IS MADE UPON TWO OR MORE PERSONS.

S, 19 .

I [A B, *collector, deputy collector or a disinterested person*,] hereby certify that on or since the day of 19 , I served on each of the parties hereafter mentioned, on the date and in the manner specified, as may be seen by reference to their respective names, a demand like the blank hereunto attached, the blanks being first filled with the date, name, amount of the tax, and location of the real estate. A B.

Names.	Amount of Tax.	Manner and Date of Service.

COMMONWEALTH OF MASSACHUSETTS.

H , ss. S, 19 .

Then personally appeared the said A B, and made oath that the above statement by him subscribed is true.

Before me,

*Justice of the Peace.*

[Here annex the blank form, No. 9, referred to in the affidavit.]

No. 13.—FORM OF AFFIDAVIT OF POSTING AND PUBLISHING ADVERTISEMENT OF SALE UNDER SECTION 58.

S, 19 .

I, A B, of , in the County of , and Commonwealth of Massachusetts [*collector, deputy collector or a disinterested person*,] hereby certify that three weeks before the time of sale I witnessed the posting [or posted] pursuant to law the printed notice of the collector of taxes, a copy whereof is hereto annexed, in a convenient and public place in his precinct, to wit: The , in said [city or town], and that said notice was advertised three weeks successively in the , a newspaper published in [city or town] [or if there is no such newspaper, state that fact and add: in said County], the last publication being at least one week before the advertised time of sale; in accordance with law. A B.

## Forms.

H \_\_\_\_\_, ss. S, \_\_\_\_\_, 19 \_\_\_\_.

Then personally appeared the above named \_\_\_\_\_, and made oath that the foregoing statements by him subscribed are true.

Before me, \_\_\_\_\_, Justice of the Peace.

[Here annex a copy of the advertisement.]

## COMMONWEALTH OF MASSACHUSETTS.

SEND GREETING:

WHEREAS, the Assessors of Taxes of said \_\_\_\_\_ of \_\_\_\_\_, in the lists of assessments for taxes, which they committed to me to collect for the year one thousand nine hundred and \_\_\_\_\_, duly assessed \_\_\_\_\_ as owner \_\_\_\_\_ of the land in said \_\_\_\_\_, which is hereinafter described, the sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents, for State, County and [City or Town] Taxes thereon; and whereas, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19 \_\_\_\_\_, I duly demanded of said [if the demand was made on a mortgagee or an attorney of a non-resident owner, here insert the fact] \_\_\_\_\_ the payment of said taxes, so as aforesaid assessed on said land, and the same were not paid; and whereas, after the expiration of fourteen days from the time of demanding payment of said taxes as aforesaid, the same still remaining unpaid, I duly advertised that the smallest undivided part of said land sufficient to satisfy said taxes with interest and all legal costs and charges, or the whole of said land if no person offers to take an undivided part thereof, would be sold by public auction for the payment of said taxes with interest, and all legal costs and charges, on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19 \_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, at the \_\_\_\_\_, in said \_\_\_\_\_, by publishing an advertisement thereof, containing also a substantially accurate description, and the name of the owner of said land, and the amount of the taxes so as aforesaid assessed thereon, in the \_\_\_\_\_, a newspaper published in \_\_\_\_\_, in the county where said land lies, three weeks successively, the last publication whereof was one week before the time appointed for the sale, and by posting the said advertisement in \_\_\_\_\_ public and convenient places in said \_\_\_\_\_, to wit: the \_\_\_\_\_, three weeks before the time appointed for said sale; and whereas, said taxes so as aforesaid assessed on said land were not paid, I proceeded at the time and place appointed as aforesaid for the sale, to sell said land by public auction for the discharge and payment of said taxes thereon with interest, and said legal costs and charges [if the sale is adjourned add here]. and no person appeared and

bid for an undivided part or for the whole of the land thus offered for sale an amount equal to the said taxes, interest, costs and charges, and I thereupon, at said time and place appointed for said sale, adjourned said sale until the day of , A. D. 19 , at o'clock in the noon, at the same place, and then and there made public proclamation of said adjournment; and in like manner in all respects and for the same cause, I adjourned said sale [here state the successive dates, hours and places to which the sale was adjourned], and then and there made public proclamation of said adjournments; and at the time and place so fixed and proclaimed for making said sale on each of the several days, I proceeded to offer for sale said land by public auction for the payment of said taxes, interest, costs and charges, and no person appeared at either time so fixed by adjournment for said sale and bid a sum equal to said taxes, interest, costs and charges,\* until on the day of , A. D. 19 , the time and place so fixed for said sale by the last of the said adjournments [use such of these averments as will conform to the facts], I proceeded again to offer for sale by public auction for the payment of said taxes, interest, costs and charges, the smallest undivided part of said land sufficient for the payment of said taxes with interest and legal costs and charges, [and no person offering at said auction to take an undivided part of said land, the whole of said land was struck off to of in the county of and State of for the sum of dollars and cents, he being the highest bidder therefor:] [If an offer is made for an undivided part substitute for the portion in brackets the following: and of in the county of and State of offered at said auction to take one undivided part of said land and to pay therefor the amount of said taxes with interest and the legal costs and charges, and that being the smallest undivided part of said land offered to be taken for the payment of said taxes, interest, costs and charges, one undivided part of said land was struck off to said .]

Therefore, know ye, that I, the said Collector of Taxes as aforesaid, by virtue of the power vested in me by law, and in consideration of the said sum of dollars and cents to me paid by said , the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said [the following described land, the same being the land taxed as aforesaid, to wit: Here describe the land.] [If a sale is made of an undivided part substitute for the words in brackets the following: one undivided part of the following described land, being the land taxed as aforesaid, to wit: Here describe the land.]

To have and to hold the same, to the said , h heirs and assigns, to and their use and behoof forever; subject to the right of redemption by any person legally entitled to redeem the same.

And I, the said collector, do covenant with the said , h heirs and assigns, that the sale aforesaid has, in all particulars, been conducted according to law.†

Forms.

Forms.

In witness whereof, I, the said \_\_\_\_\_, Collector as aforesaid, have hereunto set my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand nine hundred and \_\_\_\_\_.

[SEAL.]

*Collector of Taxes for the \_\_\_\_\_ of \_\_\_\_\_.*

*Signed, sealed and delivered in presence of \_\_\_\_\_.*

ss.

19 .

Then personally appeared the above named \_\_\_\_\_, Collector of Taxes for the \_\_\_\_\_ of \_\_\_\_\_, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

*Justice of the Peace.*

**No. 15. — FORM OF DEED WHEN THE CITY OR TOWN IS THE PURCHASER UNDER SECTIONS 47 AND 49.**

[Proceed as in No. 14 to the \* and continue as follows:—] and no person appeared and bid for the estate thus offered for sale an amount equal to the said taxes, interest, costs and charges, and I thereupon, at said time and place appointed for sale, adjourned said sale until the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19 \_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon at the same place, and then and there made public proclamation of said adjournment; and in like manner in all respects and for the same cause I adjourned said sale [here state the successive dates, hours and places to which the sale was adjourned], and then and there made public proclamation of said adjournments; and at the time and place so fixed and proclaimed for making said sale on each of said several days, I proceeded to offer for sale said real estate by public auction for the payment of said taxes, interest, costs and charges, and no person appeared at either time so fixed by adjournment for said sale and bid a sum equal to said taxes, interest, costs and charges, and at the time and place so fixed for said sale by the last of the said adjournments, namely, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19 \_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, I made a public declaration of all the facts hereinbefore recited; and no person then appeared and bid a sum equal to said taxes, interest, costs and charges [if only one adjournment is made, change these averments to conform to the facts]; and I thereupon then and there immediately gave public notice that I should, and that I then and there did purchase on behalf of the said \_\_\_\_\_ of \_\_\_\_\_, said real estate for the sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents, being the amount of said taxes, interest, costs and charges;

Therefore know ye, that I, the said \_\_\_\_\_, Collector of Taxes as aforesaid, by virtue of the power vested in me by law, and in consideration of the premises, hereby give, grant, bargain, sell and convey unto the said \_\_\_\_\_ of \_\_\_\_\_, the following described real estate, the same being the land taxed as aforesaid, to wit: [Here describe the estate.]

To have and to hold the same, to the said [city or town] of \_\_\_\_\_, and its assigns, to its and their use and behoof forever;



subject to the right of redemption by any person legally entitled <sup>Forms.</sup> to redeem the same.

And I, the said Collector, do covenant with the said of , and its assigns, that the sale aforesaid has, in all particulars, been conducted according to law. [Conclude as in No. 14 from the †.]

**No. 16. — FORM OF DEED TO CITY OR TOWN, WHEN THE PURCHASER FAILS TO PAY, ETC., UNDER SECTIONS 48 AND 49.**

[Proceed as in No. 14 to the \* and continue as follows:—] and the said real estate was struck off to of in the County of and State of for the sum of dollars and cents, he being the highest bidder therefor; and whereas, the said failed to pay to me the sum offered by him as aforesaid, and receive his deed of the premises bid off by him, within twenty days after the said sale, and the said sale became null and void, and the said of thereby became the purchaser of the premises so bid off by the said for the sum of dollars and cents, being the amount of said taxes, interest, costs and charges;

Therefore know ye, that I, the said Collector of Taxes as aforesaid, by virtue of the power vested in me by law, and in consideration of the premises, hereby give, grant, bargain, sell and convey unto the said of , the following described real estate, the same being the land taxed as aforesaid, to wit: [Here describe the estate.]

To have and to hold the same, to the said of , and its assigns, to its and their use and behoof forever; subject to the right of redemption by any person legally entitled to redeem the same.

And I, the said Collector, do covenant with the said of and its assigns, that the sale aforesaid has, in all particulars been conducted according to law. [Conclude as in No. 14 from the †.]

**No. 17. — FORM OF NOTICE OF INTENTION TO TAKE REAL ESTATE UNDER SECTION 54.**

**COLLECTOR'S NOTICE.**

The owners and occupants of the following described parcels of real estate situate in the of , in the County of , and Commonwealth of Massachusetts, and all other persons, are hereby notified that the taxes thereon, severally assessed for the year hereinafter specified, according to the list committed to me as Collector of Taxes for the said of , by the Assessors of Taxes of said , remain unpaid, and that said parcels of real estate will be taken for the said of , on the day of

A. D. 19 , at o'clock M., for the payment of said taxes, together with the interest, costs and charges thereon,

Forms.

unless the same shall be previously discharged. [Here state the name of owner or occupant, a description of the parcel or parcels of lands, the year for which the taxes were assessed, and the sum assessed upon each parcel.] C D,

*Collector of Taxes for the of*

NO. 18. — FORM OF AFFIDAVIT OF DEMAND AND NOTICE TO BE ANNEXED TO THE INSTRUMENT OF TAKING UNDER SECTION 58.

I, C D, of in the County of , and Commonwealth of Massachusetts, on oath depose and say that on the day of A. D. 19 , I, as Collector of Taxes for the of , made a written demand on for the amount of the tax assessed by the assessors of said of , as of the first day of May, A. D. 19 , upon the said , with the interest, costs and charges, then due, on certain real estate situated in said of , by [Here state manner in which the demand was made], of which the following is a true copy:—

“ COLLECTOR’S OFFICE, 19 .

To , I hereby demand of you the payment of dollars and cents, that being the amount of tax assessed for the year 19 by the assessors of , on the real estate [Here describe the estate] owned by you. You are hereby notified that if said amount, together with the interest, costs and charges thereon, is not paid within fourteen days from this date, the said real estate will be taken for said taxes for the said [city or town] of . Tax, \$ ; interest, costs and charges, \$ C D,  
*Collector of Taxes for the of .”*

[If notice is published and posted, add:] And I, the said C D, do further depose and say that I posted and published notices, of which the following is a copy [Here annex a copy of the notice], as follows: A copy thereof was posted on [Here state where posted], and I also published a copy of said notice in the , a newspaper published in said [If there be no such paper published in said town, state the fact and add, “in in said county”], three weeks successively, that the posting of said notices and the first publication thereof was more than fourteen days after making the demand as aforesaid; and I do further depose and say that, at the date of the instrument of taking, hereto annexed, the amount of taxes due on the estate therein described, with the interest, costs and charges, amounted to the sum of dollars and cents, and that the parcel or parcels of land were taken for the reason that the taxes remained unpaid at the time of the said taking.

C D,  
*Collector of Taxes for the of .*

ss.

, 19 .

Forms.

Then personally appeared the above named C D, and made oath that the foregoing affidavit by him subscribed is true.

Before me,

*Justice of the Peace.*

NO. 19. — FORM OF TAKING OF REAL ESTATE UNDER SECTION 55.

Whereas, the tax assessed by the assessors of as of the first day of May, in the year 19 , upon as the owner or occupant of the real estate hereinafter described, was duly committed to me as Collector of Taxes for said of ; and whereas, the said taxes, amounting to dollars and cents, have not been paid; and whereas, a demand for the payment of said taxes and the interest, costs and charges then due was made by me on the said on the day of , last past, in conformity to law; and whereas, notice of my intention to take said real estate by virtue of the authority vested in me as Collector of Taxes for said has been duly made, as by law required; and whereas, the said taxes, at the date of this instrument, remain unpaid; now, therefore, KNOW ALL MEN BY THESE PRESENTS, that I, as Collector of Taxes as aforesaid, by virtue of the power and authority in me vested as aforesaid, have taken, and by these presents do take, for the said of , subject to redemption according to law, the following described lot or parcel of land, with the buildings thereon, the same being the estate assessed as aforesaid, to wit: [Here describe the estate.] The said is the only person known to me as owner of the above described estate.

In witness whereof, I, the said , as Collector as aforesaid, hereunto set my hand and seal this day of , in the year nineteen hundred and

C D, [SEAL.]  
*Collector of Taxes for the of .*

NO. 20. — FORM OF DEED BY CITY OR TOWN WHEN ESTATE IS REDEEMED UNDER SECTION 59, TO BE EXECUTED BY THE PROPER OFFICERS OF THE CITY OR TOWN.

KNOW ALL MEN BY THESE PRESENTS,

That the of , in consideration of , to it paid by of , the receipt whereof is hereby acknowledged, does hereby remise, release, and forever quitclaim unto the said all the right, title and interest which the said of acquired, by or under a deed made to it by , the Collector of Taxes for said [city or town] of , dated the day of in the year of our Lord one thousand nine hundred and , and recorded with Deeds, Volume Page in and to the following parcel of real estate in said , viz.: [Here describe the estate.]

Forms.

To have and to hold the above released premises, with all the privileges and appurtenances to the same belonging, to the said , h heirs and assigns, to h and their use and behoof forever.

In witness whereof, the said of has caused its corporate seal to be hereunto affixed, and these presents to be signed, acknowledged and delivered in its name and behalf by , its , hereto duly authorized, this day of , in the year of our Lord nineteen hundred and . [City or Town] of . [SEAL.]

Signed and sealed in presence of . By .

ss. 19 .

Then personally appeared the above named , of for the [city or town] of , and acknowledged the foregoing instrument to be the free act and deed of said [city or town] of .

Before me, Justice of the Peace.

No. 21. — FORM OF AFFIDAVIT OF A DISINTERESTED PERSON OF SEARCH FOR PURCHASER, HIS AGENT OR ATTORNEY WHEN THEY CANNOT BE FOUND, UNDER SECTION 61.

I, , on oath depose and say that in behalf of , who claims a right to redeem certain lands situated in the of , which were sold by , Collector of Taxes for said , for non-payment of taxes assessed upon and described in a deed of said Collector to , dated 19 , and recorded with Deeds, Volume Page

I have made diligent search for said purchaser in the place of which he is described as a resident, and that I have also made diligent search for an agent or attorney of such purchaser, but after such diligent search have been unable to find either the purchaser or any such agent or attorney.

ss. , 19 .

Then personally appeared the above named and made oath that the foregoing statement by him subscribed is true.

Before me, Justice of the Peace.

No. 22. — FORM OF RECEIPT BY COLLECTOR TO A MORTGAGEE, UNDER SECTION 63.

COLLECTOR'S OFFICE, , 19 .

I, , Collector of Taxes for the of , hereby certify that the Assessors of Taxes of said of , in the list of assessments for taxes, which they committed to me to collect for the year one thousand nine hundred and , duly assessed the sum of dollars and cents, as owner of the real estate situated and de-

scribed as follows, viz.: [Here describe the real estate.] Forms.

and I further certify that the said                      neglected to  
pay such tax for three months after demand, and I thereupon  
made a demand therefor upon                      who claimed to be the  
holder of a mortgage upon said real estate; and that the said  
has paid to me the sum of                      dollars and  
cents, being the amount of said tax, with all interest, costs and  
charges, the receipt of which I hereby acknowledge.

C D,  
*Collector of Taxes for the                      of                      .*

ss.                      , 19 .  
Then personally appeared the above named                      and made  
oath that the foregoing statement by him subscribed is true.  
Before me,

*Justice of the Peace.*

NO. 23. — FORM OF RECEIPT BY COLLECTOR UNDER SECTIONS 64  
AND 66.

COLLECTOR'S OFFICE,                      , 19 .

I,                      , Collector of Taxes for the                      of                      ,  
hereby certify that the Assessors of Taxes of said                      of  
                    , in the list of assessments for taxes, which they com-  
mitted to me to collect for the year one thousand nine hundred  
and                      , duly assessed                      the sum of                      dollars  
and                      cents, as owner of the real estate situated and de-  
scribed as follows, viz.: [Here describe the real estate.]

and I further certify that proceedings have been com-  
menced by me for the sale of said real estate for said tax, and  
that                      who claimed to be the holder of a mortgage thereon,  
has paid to me the sum of                      dollars and                      cents,  
being the amount of said tax, with interest, costs and charges,  
the receipt of which I hereby acknowledge.

C D,  
*Collector of Taxes for the                      of                      .*

ss.                      , 19 .  
Then personally appeared the above named                      and made  
oath that the foregoing statement by him subscribed is true.

Before me,

*Justice of the Peace.*

NO. 24. — FORM OF NOTICE OF SALE OF UNREDEEMED REAL  
ESTATE, IN BEHALF OF A CITY OR TOWN, WITHIN TWO YEARS  
AFTER EXPIRATION OF THE RIGHT OF REDEMPTION, UNDER  
SECTION 68.

SALE OF UNREDEEMED REAL ESTATE BY THE                      OF                      .

COLLECTOR'S OFFICE,                      , 19 .

In conformity with the laws of the Commonwealth of Massa-  
chusetts, the public and all persons interested as former owners  
or occupants of each of the following described parcels of real



Forms.

estate situated in the                      of                      in the County of                      and Commonwealth aforesaid, are hereby notified that said parcels have been conveyed according to law to said [city or town] of                      for non-payment of taxes and assessments and the time within which each of the estates might be redeemed by the owners thereof having expired, each of said parcels will be offered for sale in accordance with Section                      , of the                      by public auction at the                      in said                      on the                      day of                      A. D. 19                      , at                      o'clock                      M., and to the highest bidder for each of the several parcels a quitclaim deed will be delivered. For further particulars reference is made to the Registry of Deeds for the County of                      , the volume and page numbers following the description of each parcel, indicating the record of the deed under which the said                      of                      now holds title to the estate described.

The sums set against the several estates show the amounts due thereon respectively for the taxes and assessments for the non-payment of which said estate was sold to [or taken by] the said                      together with the subsequent taxes and assessments, interest on the same, and all lawful costs and charges. And none of the said estates will be sold for less than the amount set against the said estates, respectively.

[Here set out the name of the original owner or occupant if known, a description of each parcel, the place of registry, volume and page, the years in which assessed and the least amount for which the sale will be made.]                      C D,

*Collector of Taxes for the                      of                      .*

NO. 25. — FORM OF DEED OF UNREDEEMED TAX TITLE UNDER SECTION 68.

KNOW ALL MEN BY THESE PRESENTS.

That, whereas the real estate hereinafter described was by deed of                      , Collector of Taxes, dated                      A. D. 19                      , and recorded with                      Deeds, Volume                      Page                      , duly conveyed to the [city or town] of                      , in the County of                      and Commonwealth of Massachusetts, for the non-payment of taxes, and whereas no person lawfully entitled has, within the time prescribed by law, redeemed said real estate, and whereas I, the Collector of Taxes of the said [city or town] of                      , acting under section                      , of the                      , duly advertised said real estate to be sold by public auction on the                      day of                      , 19                      , at                      o'clock in the                      noon, at the                      in said [city or town] of                      by publishing an advertisement thereof, containing a substantially accurate description of said real estate in the                      , a newspaper published in                      , three weeks successively, the last publication whereof was at least one week before the time appointed for the sale, and by posting a like advertisement in                      public and convenient place in said [city or town] of                      , to wit: the                      , in said [city or town] and also on said real estate, three

weeks before the time appointed for said sale; and whereas, the amounts due on said estate not being paid, the [city or town] of Forms.  
by its Collector of Taxes, thereto duly authorized by statute, proceeded at the time and place appointed as aforesaid for the sale, to sell said real estate by public auction, and said real estate was then and there struck off to , of , in the County of , and State of , for the sum of dollars and cents, he being the highest bidder therefor;

Now, therefore, the [city or town] of by its Collector of Taxes, by virtue of the statutes in such case made and provided, in consideration of dollars and cents paid by said , the receipt whereof is hereby acknowledged, does hereby remise, release, and forever quitclaim unto the said , h heirs and assigns, all the right, title and interest which the said [city or town] of acquired, by or under the deed above mentioned, in and to the following parcel of real estate in said , viz.: [Here describe the estate.]

To have and to hold the above released premises, with all the privileges and appurtenances thereto belonging, to the said , h heirs and assigns, to h and their use and behoof forever.

In witness whereof, the said [city or town] of has caused its seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by its Collector of Taxes, hereto duly authorized by law, this day of , in the year nineteen hundred and .

[City or Town] of . [SEAL]

C D,

Collector of Taxes.

[To be acknowledged by the Collector as the free act and deed of the City or Town according to the form prescribed in Form No. 20.]

**NO. 26.—FORM OF AFFIDAVIT OF THE COLLECTOR OF THE NON-APPEARANCE OF A PURCHASER, OR THE FAILURE OF THE BIDDER TO PAY THE SUM BID, UNDER SECTION 69.**

I, C D, Collector of Taxes for the [city or town] of in the County of and Commonwealth of Massachusetts on oath depose and say that the advertisement of the sale of unredeemed real estate, a copy of which is hereto annexed, was published and posted according to law, and that at the time and place of sale as stated in the same [no person appeared and bid for the real estate advertised in said advertisement against the name of the sum or amount therein stated, or more, or the person to whom the estate is sold does not, within ten days, pay to the Collector the sum bid by him] and the estate advertised as aforesaid against the name of was struck off to , for the sum of dollars and cents, he being the

highest bidder therefor. I further depose and say that said failed to pay to me as such Collector, within ten days, the sum offered by him for said estate.

C D,  
*Collector of Taxes for the*                      *of*

ss. 19 .  
Then personally appeared the above named \_\_\_\_\_, Collector  
of Taxes for the \_\_\_\_\_ of \_\_\_\_\_, and made oath that the  
above statement by him subscribed is true.

Before me,

*Justice of the Peace.*

[Here annex a copy of the advertisement.]

No. 27.—FORMS OF NOTICES WHEN TAX TITLE IS DEEMED INVALID, UNDER SECTIONS 71 AND 73.

[FROM THE ASSESSORS TO THE COLLECTOR.]

OFFICE OF THE BOARD OF ASSESSORS, 19 .

To the Collector of Taxes for the                      of                      .

*Sir:* You are hereby notified that the tax assessed as of the first day of May, 19 , in the name of upon an estate estimated to contain [here insert the area] land, situated [here insert the name of street or other description] was invalid by reason of error in assessment; and that any deed given by you in consequence of a sale for the non-payment of such tax conveyed no valid title to the purchaser.

Board of Assessors of the \_\_\_\_\_ of \_\_\_\_\_, by  
 \_\_\_\_\_ A B,  
*One of said Assessors.*

## No. 28. —

[FROM THE COLLECTOR TO THE HOLDER OF THE TITLE.]

COLLECTOR'S OFFICE, \_\_\_\_\_, 19\_\_.

To \_\_\_\_\_

You are hereby notified that I have reason to believe that the title conveyed to \_\_\_\_\_ by \_\_\_\_\_ Collector and recorded with \_\_\_\_\_ Deeds, volume \_\_\_\_\_ page \_\_\_\_\_ of an estate described as follows [here describe estate], in the name of \_\_\_\_\_ is invalid by reason of an error [in the assessment for the year 19\_\_\_\_, or in the proceedings for the sale.] [Here give a brief statement of the defect:] \_\_\_\_\_ and I do hereby, \_\_\_\_\_, notify and require you, within thirty days from the time when this notice shall be served upon you, to surrender and discharge the deed so given, and to receive from the \_\_\_\_\_ of \_\_\_\_\_ the sum due therefor, with interest as provided by law, or to file with the Collector a written statement that you refuse to make such surrender and discharge.

C D,

Collector of Taxes for the                      of                      .

PART III.

TAXATION OF CORPORATIONS.

TAX COMMISSIONER.

SECTION 1. There shall be a tax commissioner appointed by the governor, with the advice and consent of the council, who shall also be the commissioner of corporations, and who shall hold his office for three years from the date of his commission unless sooner removed by the governor. He shall receive in full compensation for the duties of both offices an annual salary of five thousand dollars.

SECTION 2. The commissioner may with the advice and consent of the governor and council appoint, and with their consent remove, a deputy commissioner to assist him in his duties who shall receive an annual salary of three thousand dollars. In case of a vacancy in the office of commissioner or during the absence or disability of that officer, the deputy commissioner shall perform the duties of the office, and service of process made on him shall be of the same force and effect as if made on the commissioner. The commissioner may also with the advice and consent of the governor and council appoint, and with their consent remove, three assistants at salaries to be approved by the governor and council. The commissioner may also appoint two permanent clerks, the first at a salary of two thousand dollars a year and the second at a salary of fifteen hundred dollars a year, and may procure such additional clerical and other assistance as may be necessary. He may also, with the advice and consent of the governor and council, appoint, and with their consent remove, three supervisors of assessors, who, under the direction and control of the tax commissioner, shall have such supervision over the boards of assessors and collectors of taxes of the several cities and towns of the commonwealth as is authorized by law. Each supervisor of assessors shall receive a salary of two thousand dollars per annum, and shall be allowed his travelling and other necessary expenses. He may also appoint from time to time such appraisers as may be necessary to appraise property subject to the inheritance tax, who shall receive such compensation for their services as he may fix.

Tax commis-  
sioner, ap-  
pointment,  
etc., salary.  
1865, 283, § 12.  
1870, 224, § 61.  
1876, 155.  
1879, 288, § 1.  
P. S. 13, § 1.  
1887, 342, § 1.  
1890, 160, § 1.  
R. L. 14, § 1.  
1907, 564, § 1.

Deputy, assist-  
ants, clerks  
and their  
salaries.  
1876, 155.  
1879, 288, § 2.  
1881, 175.  
P. S. 11, § 97;  
13, § 2.  
1887, 342, § 2.  
1891, 342.  
1898, 507, § 3.  
1901, 449.  
R. L. 14, § 2.  
1904, 99.  
1906, 322.  
1907, 564, § 2.  
1908, 550, § 1.

Annual report.  
1873, 321, 2.  
1874, 227, 3.  
1881, 284, 4.  
P. S. 13, § 6.  
1882, 217, 3.  
1894, 484.  
R. L. 14, § 3.

SECTION 3. He shall annually in January report to the general court the transactions of his office for the preceding year. This report shall include tabular statements of the amounts of exempted property returned under the provisions of section ninety-five of Part I. He shall also submit therewith an abstract of such particulars from the lists of property held for literary, benevolent, charitable or scientific purposes as he shall deem for the public interest.

Tax commis-  
sioner to  
forward lists  
of taxable  
corporations.  
1867, 188, § 2.  
1870, 144, § 1.  
P. S. 13,  
§§ 3, 4.  
R. L. 14, § 4.  
1906, 271, § 1.  
1908, 468.

SECTION 4. He shall annually, on or before the first day of May, forward to the assessors of every city and town a list of all corporations organized under the laws of this commonwealth, known to him to be liable on said first day of May to taxation on their corporate franchises or property, and with such other information as in his judgment will assist them in the assessment of taxes.

Supervision of  
assessors.  
1898, 507, § 3.  
R. L. 14, § 5.  
1908, 433, §§ 1,  
2; 550, § 2.

SECTION 5. He may visit any city or town, inspect the work of its assessors and give to them such information and require of them such action as will tend to produce uniformity in valuation and assessments throughout the commonwealth. He may cause an assessor who violates any of the laws relative to the assessment of taxes for which a penalty is imposed to be prosecuted, either in the county in which said officer resides or in an adjoining county. He may appear before the superior court or any board of county commissioners sitting for the abatement of taxes. He shall be allowed his reasonable travelling expenses incurred under the provisions of this section. He shall give his opinion to assessors and collectors upon any question arising under any statute relating to the assessment and collection of taxes, and may advise and consult with the attorney-general upon all questions arising under this provision. The supervisors of assessors shall perform, subject to the control, approval and direction of the tax commissioner, all the duties imposed herein upon said tax commissioner. The duties imposed upon and the powers granted to the tax commissioner by the provisions of this act may be exercised by him in person or by his deputy or first assistant acting under his direction and control.

Information  
and instruc-  
tion to assess-  
ors.  
1908, 550, § 4.

SECTION 6. The supervisors of assessors shall, under the direction of the tax commissioner, on or before the first day of May in each year, furnish to each board of assessors



of the cities and towns of the commonwealth all the information relating to the assessment, valuation and ownership of property of any inhabitant of said city or town that has come into possession of the tax commissioner's department, particularly under the provisions of Part IV. They shall give to said boards of assessors such further instruction and supervision as to their respective duties as may be necessary to secure uniform assessment and just taxation, and to equalize the valuation of property for purposes of state, county and local taxation.

SECTION 7. Whenever it shall appear to the tax commissioner that the property or any part thereof in any city or town is not valued for the purposes of taxation in accordance with the provisions of law, and that such failure to comply with the law is the result of inadequate methods in keeping the records of valuation or ownership of property, or is due to a failure upon the part of the assessors or any of them of such city or town properly to examine the records of the registry of deeds and probate court, or to make use of the information required by law to be furnished to boards of assessors by the tax commissioner, he shall forthwith direct the assessors of such city or town to adopt such methods of keeping their records or to make such examination of the records of the registry of deeds and probate court, or to make such use of the information that he, in accordance with law, has furnished to them, as he may deem necessary. Upon failure on the part of any assessor or assessors in any city or town to comply with the directions of the tax commissioner as herein provided, the tax commissioner shall forthwith notify the mayor of the city or the selectmen of the town of such failure in the performance of duty on the part of said assessor or assessors, together with any recommendations that he may deem necessary or expedient in the matter.

SECTION 8. A guardian who holds, or whose ward holds, shares of stock in any corporation, including banks located in the commonwealth liable to taxation, and an executor, administrator, trustee or other person who holds in trust any such stock, shall annually, between the first and tenth days of May, return under oath to said commissioner the names and residences, on the first day of that month, of themselves and of all such wards or other persons to whom any portion of the income from such

Tax commissioner to direct assessors.  
1908, 550, § 3.

Guardians, executors, administrators, trustees and partnerships to make returns of stock held.  
1864, 208, § 4.  
1865, 283, §§ 2, 14.  
1873, 315, § 15.  
P. S. 13, § 7.  
R. L. 14, § 8.

stock is payable, the number of shares of stock so held and the name and location of the corporation.

A partnership shall annually, between the first and tenth days of May, make a like return, stating the amount of such stock owned by the firm, the names and residences of all the partners and the proportional interest or ownership of each partner in said stock.

SALARIES AND EXPENSES.

Of railroad,  
gas and electric  
light commis-  
sioners.  
1864, 152, § 7.  
1869, 408, § 9.  
1874, 372, § 18.  
1878, 167, § 1.  
P. S. 112, § 12.  
1885, 314, § 6.  
1887, 334, § 4;  
382, § 4.  
1890, 200, § 3.  
1891, 351.  
1894, 535, § 8.  
1895, 313;  
463, § 1.  
1897, 376, § 4.  
1899, 365.  
R. L. 111, § 10;  
121, § 4.  
1904, 429;  
435, § 1.  
1906, 463.  
Part I., § 3.

SECTION 9. All sums of money annually appropriated by the general court for the salaries and expenses of the board of railroad commissioners and of the board of gas and electric light commissioners, their clerks and employees, shall be apportioned by the tax commissioner among the several railroad corporations and street railway companies and among the several gas and electric light companies, respectively; and on or before the first day of July in each year he shall assess upon each of said corporations and companies its share of said sums, in the case of railroad corporations and street railway companies in proportion to its gross earnings from the transportation of persons and property for the year last preceding the year in which the assessment is made, and in the case of gas and electric light companies in proportion to its gross earnings for the year last preceding the year in which the assessment is made; and such assessments shall be collected in the same manner as taxes upon corporations.

TAXATION OF VESSELS ENGAGED IN THE FOREIGN CARRY-  
ING TRADE.

Excise tax,  
returns.  
R. L. 12 §§ 7-9.  
1902, 374.  
§§ 1, 2; 375.

SECTION 10. The tax commissioner shall assess annually as of the first day of May an excise tax upon the interest of every corporation organized under the laws of this commonwealth and having a place of business therein, in any ship or vessel which has, during the period of its business in the year preceding said first day of May, been engaged in the foreign carrying trade, which tax shall be one third of one per cent upon the value of such interest as it shall be determined by him. Such tax shall become due and shall be collected at the same time and in the same manner as other taxes assessed to such corporations. The president and treasurer of every such corporation

owning an interest in any such ship or vessel shall annually, within thirty days after the first day of May, make a return to the tax commissioner, under oath, setting forth in detail the name of the ship or vessel, the interest of the corporation therein, and the value of such interest. If the tax commissioner is satisfied of the truth of the return he shall deduct said value from the fair cash value of the shares of the corporation as estimated by him for the purpose of determining the true value of its corporate franchise under the provisions of this part.

TAXATION OF BANK SHARES.

SECTION 11. All the shares of stock in banks, whether of issue or not, existing by authority of the United States or of the commonwealth, and located within the commonwealth, shall be assessed to the owner thereof in the city or town in which such bank is located, and not elsewhere, in the assessment of state, county and town taxes, whether such owner is a resident of said city or town or not. They shall be assessed at their fair cash value on the first day of May, first deducting therefrom the proportionate part of the value of the real estate belonging to the bank, at the same rate as other moneyed capital in the hands of citizens is by law assessed. The persons who appear from the books of the banks to be owners of shares at the close of the business day last preceding the first day of May shall be deemed to be the owners thereof.

SECTION 12. Every such bank shall pay the tax so assessed to the collector or other person authorized to receive the same at the time when other taxes in the city or town become due. If not so paid, said tax, with interest thereon at the rate of twelve per cent per annum from the day when it became due, may be recovered from said bank in an action of contract by the collector of such city or town.

SECTION 13. The shares of such banks shall be subject to the tax paid thereon by the corporation or by the officers thereof, and the corporation and the officers thereof shall have a lien on all the shares in such bank and on all the rights and property of the shareholders in the corporate property for the payment of said taxes.

SECTION 14. The cashier of every such bank shall make and deliver to the assessors of the city or town in

Taxation of bank shares.  
1868, 349, § 1.  
1871, 390, § 1.  
1872, 321, §§ 4, 5.  
1873, 315, § 1.  
P. S. 13, § 8.  
R. L. 14, § 9.  
14 Allen, 359.  
99 Mass. 141.  
101 Mass. 575.  
104 Mass. 586.  
112 Mass. 384.  
123 Mass. 375.  
135 Mass. 569.  
138 Mass. 527.  
155 Mass. 313.  
175 Mass. 262.  
3 Wallace, 585.  
7 Wallace, 694.  
125 U. S. 60.

Payment of tax. Recovery thereof.  
1873, 315, § 2.  
P. S. 13, § 9.  
R. L. 14, § 10.  
138 Mass. 529.  
145 Mass. 110.  
125 U. S. 110.

Lien on shares for payment of taxes.  
1868, 349, § 2.  
1871, 390, § 2.  
1872, 321, § 9.  
1873, 315, § 3.  
P. S. 13, § 10.  
R. L. 14, § 11.  
138 Mass. 529.  
125 U. S. 60.

Statement to assessors of names, etc., of shareholders.

1871, 390, § 5.  
 1872, 321, §§ 1,  
 2, 10.  
 1873, 315, § 5.  
 P. S. 13, § 11.  
 R. L. 14, § 12.  
 138 Mass. 529.  
 155 Mass. 313.

which it is located, on or before the tenth day of May in each year, a statement under oath showing the name of each shareholder, with his residence and the number of shares belonging to him at the close of the business day last preceding the first day of May, as the same then appeared on the books of said bank. If the cashier fails to make such statement, said assessors shall forthwith obtain a list of the names and residences of shareholders and of the number of shares belonging to each. They shall, forthwith, upon obtaining such statement or list, transmit a copy thereof to the tax commissioner; and shall, immediately upon the ascertainment of the rate per cent upon the valuation of the total tax in such city or town for the year, give to said commissioner written notice thereof, and also of the amount assessed by them upon the shares of each bank located therein.

Determination  
 of amount of  
 offsets and  
 credits; notice;  
 appeal.  
 1871, 390,  
 §§ 6-8.  
 1873, 315,  
 §§ 6-8.  
 P. S. 13,  
 §§ 12-14.  
 R. L. 14, § 13.  
 135 Mass. 569.  
 138 Mass. 529.

SECTION 15. Said commissioner shall thereupon determine the amount of the tax assessed upon shares in each of said banks which would not be liable to taxation in said city or town according to the provisions of Part I; and such amount shall be a charge against said city or town. He shall, in like manner, determine the amount of tax so assessed upon shares which would be so liable to taxation in each city or town other than that in which the bank is located; and such amount shall be a credit to such city or town. He shall forthwith give notice in writing by mail or at their office to the assessors of each city or town thereby affected of the aggregate amount so charged against and credited to it; and they may within ten days after notice of such determination appeal therefrom to the board of appeal constituted under the provisions of section sixty-eight.

Certification  
 of aggregate  
 charges and  
 credits.  
 1871, 390, § 9.  
 1873, 315, § 9.  
 P. S. 13, § 15.  
 R. L. 14, § 14.  
 138 Mass. 529.

SECTION 16. He shall, at the expiration of ten days after said notice or upon being informed of the decision of the board of appeal, if an appeal is taken, certify to the treasurer and receiver general the aggregate amount of charges against, and credits to, each city or town, as so determined; and the treasurer and receiver general shall thereupon withhold out of any sums payable by the commonwealth to any city or town against which a charge is certified, or shall allow or pay over to each city or town to which a credit is certified, as the case may be, the amount so certified.

SECTION 17. In such adjustment of charges and credits, one per cent upon the amount assessed and collected shall be allowed for the expense of assessment and collection. No city or town shall in any year be entitled to an allowance of credits or payments under the provisions of this part until the assessors have complied with the requirements thereof and with section thirty-six of Part I, relative to the taxation of bank shares. No bank, the shares in which are liable to taxation by section eleven, shall be liable thereto under the provisions of section forty-three, nor shall the shareholders be liable to taxation for their shares therein for any purpose, except under the provisions of this part.

Allowance for expense of assessment and collection.  
1873, 315, §§ 10, 11.  
P. S. 13, § 16.  
R. L. 14, § 15.  
135 Mass. 569.  
138 Mass. 530.

SECTION 18. The amount actually paid into the treasury of the commonwealth annually, under the provisions of this part, on account of shares in banks, which on the first day of May are the absolute property of any savings bank or institution for savings liable to taxation under the provisions of section twenty-one, or of any insurance company liable to taxation under the provisions of section forty-three, shall be deducted from the taxes of such savings bank or insurance company at the next payment by them to the commonwealth after the collection of the taxes on such bank shares. The tax commissioner may require a statement of all shares so owned by any savings bank, institution for savings or insurance company, in a form approved by him and signed and sworn to by the treasurer or like financial officer thereof. He shall, from such statement and other evidence and subject to appeal by such corporation, as herein provided in similar cases, determine the amounts to be deducted, and certify the same to the treasurer and receiver general upon the final determination thereof; but the amount so to be deducted from the tax payable by any savings bank or institution for savings shall not, in any year, exceed the amount of the tax assessed on account of that portion of its deposits invested in shares in banks.

Deduction of bank taxes paid by savings banks and insurance companies.  
1873, 315, § 12.  
1881, 305, § 2.  
P. S. 13, § 17.  
R. L. 14, § 16.

SECTION 19. The tax commissioner shall annually, as soon as may be after the first Monday in November, certify to the treasurer and receiver general the amounts assessed and collected for that year in respect of shares in such banks or other corporations owned absolutely by any society, district or institution of the classes specified

Certification of bank taxes assessed and collected.  
1873, 315, § 13.  
P. S. 13, § 18.  
R. L. 14, § 17.  
1906, 271, § 2.  
135 Mass. 569.



in clauses Third and Fourth of section five of Part I, and the treasurer and receiver general shall thereupon pay over such amounts to such society, district or institution owning such shares.

Reimbursement of exempted shareholder.

1872, 321, § 12.  
1873, 315, § 14.  
P. S. 13, § 19.  
R. L. 14, § 18.

SECTION 20. The assessors of a city or town, upon request of any person resident therein who is the owner of any shares in such banks or other corporations which, under the provisions of clauses Ninth and Tenth of section five of Part I, would be entitled to exemption from taxation, shall give to him a certificate stating such fact; and the treasurer of such city or town, upon request therefor, and the deposit with him of such certificate, shall pay over to such owner the amount so collected in respect of such shares, immediately upon the allowance made to such city or town under the provisions of this part.

#### TAXATION OF SAVINGS BANKS.

Taxation of deposits in savings banks.

1862, 224,  
§§ 4, 5.  
1863, 164.  
1865, 267.  
1868, 315.  
1879, 115.  
1881, 304, §§ 8,  
9; 305, § 1.  
P. S. 13, § 20.  
1890, 160, § 4.  
R. L. 14, § 19.  
1906, 271, § 3.  
1907, 246.  
1908, 464, § 2;  
594.  
5 Allen, 428.  
12 Allen, 312.  
123 Mass. 493.  
126 Mass. 526.  
149 Mass. 4.  
151 Mass. 103.  
6 Wallace, 611.  
178 U. S. 120.

SECTION 21. Every savings bank and institution for savings shall pay to the treasurer and receiver general, on account of its depositors, an annual tax of one half of one per cent on the amount of its deposits, one half thereof to be assessed by the tax commissioner upon the average amount of such deposits for the six months preceding the first day of May and one half to be so assessed upon the average amount of such deposits for the six months preceding the first day of November. Such tax shall be paid semi-annually on or before the twenty-fifth day of May and of November, each payment to consist of the amount of the tax as determined by the last preceding assessment; but so much of said deposits as is invested in real estate for banking purposes or in loans secured by mortgages of taxable real estate, and, for the period limited in clause Tenth of section sixty-eight of chapter five hundred and ninety of the acts of the year nineteen hundred and eight, so much of said deposits as is invested in real estate the title to which has been acquired by the completion of foreclosure, or by purchase, pursuant to said section, so much of said deposits as is invested in bonds of the commonwealth of Massachusetts issued after July first, nineteen hundred and six, and so much of said deposits as is invested in bonds, notes and certificates of indebtedness of any county, fire district, water supply district, city or town in the commonwealth

which may be issued on or after the first day of May in the year nineteen hundred and eight, stating upon their face that they are exempt from taxation in Massachusetts, shall be exempt from taxation under the provisions of this section.

SECTION 22. Every savings bank and institution for savings shall semi-annually, on or before the tenth day of May and of November, make a return to the tax commissioner, signed and sworn to by its president and treasurer, of the amount of its deposits on the first day of said May and November, and of the average amount of its deposits for the six months preceding each of said days. Every such corporation which neglects to make such return shall forfeit fifty dollars for each day during which such neglect continues. If it wilfully makes a false statement in such return it shall be punished by a fine of not less than five hundred nor more than five thousand dollars.

Semi-annual  
returns. Con-  
tents.  
1862, 224,  
§§ 8, 9.  
P. S. 13, § 21.  
1890, 160, § 4.  
R. L. 14, § 20.  
1906, 271, § 4.  
123 Mass. 497.

SECTION 23. All deposits taxed under the provisions of section twenty-one shall be otherwise exempt from taxation in any year in which said tax is paid.

P. S. 13, § 23.  
R. L. 14, § 21.

5 Allen, 435.  
100 Mass. 184.

123 Mass. 496.  
151 Mass. 103.

Deposits taxed  
by common-  
wealth other-  
wise exempt.  
1862, 224, § 12.  
1864, 208, § 15.

SECTION 24. The Massachusetts Hospital Life Insurance Company shall annually, on or before the tenth day of May and November, make a return, signed and sworn to by a majority of its board of directors, of the full amount of all money and property, in detail, in its possession or charge as deposits, trust funds or for purposes of investment, and shall pay upon all the same, except upon deposits invested in loans secured by mortgages of taxable real estate, the same rate of tax imposed upon savings banks on account of deposits. If said corporation neglects to make such return, it shall forfeit fifty dollars for each day such neglect continues; and if it wilfully makes a false statement in any such return, it shall be punished by a fine of not less than five hundred nor more than five thousand dollars.

Taxation of  
the Massachu-  
setts Hospital  
Life Insurance  
Company.  
1862, 224, §§ 3,  
7, 9.  
1865, 283, § 18.  
1881, 304, § 8.  
P. S. 13, § 51.  
R. L. 14, § 22.  
1906, 271, § 5.  
151 Mass. 103.

#### TAXATION OF CO-OPERATIVE BANKS.

SECTION 25. The capital stock, corporate franchises and personal property, but not the real estate of co-operative banks shall be exempt from taxation.

— of co-opera-  
tive banks.  
1890, 63.  
R. L. 14, § 23.

## TAXATION OF INSURANCE COMPANIES.

Taxation of  
life insurance  
companies.  
1880, 227.  
§§ 1, 2.  
1881, 219.  
P. S. 13, §§ 25,  
26.  
1887, 283, § 1.  
R. L. 14, § 24.  
1903, 307.  
133 Mass. 161.

SECTION 26. A domestic or foreign company or association, which is engaged, by its officers or by agents as defined in chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven, in the business of life insurance within this commonwealth shall annually, on or before the tenth day of May, make a return to the tax commissioner, signed and sworn to by its president and secretary, giving the number, date and class of the policies so held, the age of the assured life and the aggregate net value of each group requiring a separate computation to determine their net value and the combined aggregate, and shall annually pay an excise tax of one quarter of one per cent upon the net value of all policies in force on the preceding thirty-first day of December, issued or assumed by such company and held by residents of the commonwealth, as determined by the tax commissioner upon such return and such other evidence as he may obtain. After the first return has been made under this section each subsequent return shall contain all the foregoing particulars relating to new policies issued or assumed by the company since the last return, and the numbers and new values of all policies required to be included in the year for which the return is made, and such other particulars as the tax commissioner shall require.

What persons  
and corporations  
are to be  
deemed resi-  
dents.  
1880, 227, § 3.  
P. S. 13, § 27.  
R. L. 14, § 25.

SECTION 27. For the purpose of the preceding section all persons or corporations shall be deemed residents of the commonwealth who, under the provisions of Part I, are made liable to taxation on account of personal property owned or held by or for them in trust, pledge, or otherwise, other than that mentioned in clauses First, Second and Third of section twenty-three of Part I.

Taxation of  
domestic fire,  
marine and  
other insur-  
ance com-  
panies.  
1862, 224.  
§§ 1, 6.  
1872, 245.  
1873, 141, § 1.  
P. S. 13, § 29.  
1884, 180, § 5.  
1894, 522,  
§ 64.  
R. L. 14, § 26.

SECTION 28. A domestic fire, marine, fire and marine, real estate title and other insurance company, except life insurance companies and except companies liable to taxation on their corporate franchise under the provisions of this part, shall annually pay a tax or excise of one per cent on all premiums received for insurance during the preceding year whether in cash or in notes absolutely payable, and one per cent on all assessments made by such company upon policy-holders; but premiums received

in other states where they are subject to a like tax shall not be so assessed.

SECTION 29. A fire, marine, fire and marine and other insurance company, association or partnership, including associations formed upon the plan known as Lloyds, incorporated or associated by authority of any other state of the United States, shall annually pay a tax or excise upon all premiums charged or received on contracts made in this commonwealth for the insurance of property or interests therein, or received or collected by agents in this commonwealth, at the rate of two per cent, and at such greater rate, if any, as shall be equal to the highest rate imposed during the year by the laws of such other state upon insurance companies incorporated by authority of this commonwealth, or upon their agents, when doing business in such state.

Taxation of like companies incorporated in other states.  
1862, 224, § 2.  
1873, 141, § 2.  
1878, 218, § 3.  
P. S. 13, § 30.  
R. L. 14, § 27.  
100 Mass. 531.

SECTION 30. A life insurance company, association or partnership, incorporated or associated by authority of any other state of the United States, by the laws of which a tax is imposed upon the premium receipts of life insurance companies chartered by this commonwealth and doing business in such state, or upon their agents, shall annually, so long as such laws continue in force, pay a tax or excise upon all premiums charged or received upon contracts made in this commonwealth, at a rate equal to the highest rate so imposed during the year.

— of life insurance companies incorporated in states imposing taxes on life companies of this state doing business therein.  
1873, 141, § 3.  
P. S. 13, § 31.  
R. L. 14, § 28.

SECTION 31. Every fire, marine, fire and marine, and other insurance company, association or partnership, including associations formed upon the plan known as Lloyds, incorporated or associated under the laws of any government or state other than one of the United States, shall annually pay a tax of four per cent upon all premiums charged on contracts made in this commonwealth for insurance, or collected by agents in this commonwealth: *provided*, that when the tax commissioner is satisfied that any such company has, during the whole term for which the tax is to be assessed, kept on deposit with the insurance or other department of any state of the United States, or in the hands of trustees, resident in and citizens of such states, for the general benefit and security of all policy-holders residing in the United States, securities approved by the insurance commissioner of the value of two hundred thousand dollars, which have been

— of fire, marine and other companies incorporated by foreign governments.  
1872, 228;  
325, § 8.  
1873, 141, § 4.  
1878, 218, § 3.  
P. S. 13, § 32.  
R. L. 14, § 29.  
100 Mass. 531.

Proviso.

at all times available for the payment of losses in this commonwealth, the tax upon the premiums of such company shall be assessed at the rate of two per cent. The certificate of the insurance commissioner may be received by the tax commissioner as sufficient evidence that such securities have been so deposited.

Taxation  
of foreign  
accident, fidel-  
ity and guar-  
anty insurance  
companies.  
1890, 197, § 1.  
R. L. 14, § 30.

SECTION 32. Every foreign insurance company subject to the provisions of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven, engaged in the business of insuring against accident to the person, of insuring employers against liability for accidents to employees, of acting as surety upon bonds or of guaranteeing the fidelity of employees shall pay an annual tax or excise of two per cent upon all premiums charged or received on contracts of insurance or guaranty made in this commonwealth, or received or collected by agents therein.

Deductions.  
1868, 165, § 1.  
1873, 141, § 5.  
P. S. 13, § 33.  
1888, 154.  
1890, 197, § 2.  
1892, 129.  
1894, 522,  
§ 84.  
1898, 537, § 2.  
R. L. 14, § 31.

SECTION 33. In determining the amount of the tax payable under the five preceding sections, all unused balances on notes taken for premiums on open policies, all sums paid for return premiums on cancelled policies, and all sums actually paid either to other domestic insurance companies or to the agents of foreign companies for re-insurance on risks, the premiums on which, but for such re-insurance, would be liable to taxation, shall, in each case, be deducted from the full amount of premiums and assessments; but no deduction shall be allowed of sums paid for re-insurance effected otherwise than by licensed resident agents nor shall dividends in scrip or otherwise in stock, mutual or mixed companies be considered as return premiums.

Returns of in-  
surance com-  
panies.  
1873, 141, § 7.  
1878, 218, § 3.  
P. S. 13, § 34.  
1887, 283, § 2.  
1890, 197, § 2.  
1892, 129.  
R. L. 14, § 32.  
1906, 271, § 6.

SECTION 34. Every company liable to taxation under the provisions of sections twenty-eight and thirty-two shall annually, between the first and fifteenth days of October, make a return to the tax commissioner, signed and sworn to by its secretary or other officer having knowledge of the facts, stating the amount insured by said company, and the premiums received and assessments collected by it during the year ending on the preceding thirtieth day of September. Every foreign company, association or partnership, including associations formed upon the plan known as Lloyds, authorized to do business in the commonwealth, shall annually, between the first and fifteenth



days of October, make a return to the tax commissioner, in such form as he shall prescribe, signed and sworn to by its secretary, manager or other officer having knowledge of the facts, of the amount insured by it upon property or interests in this commonwealth, and the premiums and assessments upon such insurance charged on contracts made by it or its agents in this commonwealth during the year ending on the preceding thirtieth day of September. Such returns shall state the whole amount of premiums charged by or in behalf of said company, association and partnership either in cash or in notes absolutely payable, the amount claimed as a deduction therefrom under any of the provisions of this part, and also the classes of deductions and the amount of each class.

SECTION 35. The tax commissioner, from such returns, and from such other evidence as he may obtain, shall assess upon such companies, associations and partnerships, including associations formed upon the plan known as Lloyds, and their agents, the taxes imposed by sections twenty-eight to thirty-one, inclusive, and shall forthwith upon making such assessment give notice in writing to such companies, associations and partnerships, or their agents in the commonwealth, stating the respective amounts payable by them. Such taxes shall be paid to the treasurer and receiver general on the twentieth day of November next following the date fixed for making the returns. The tax commissioner shall annually, on or before the twentieth day of November, deliver to the treasurer and receiver general a certificate stating the name of every such company, association, partnership and agent upon whom such tax has then been assessed, and the amount assessed upon each, and a like certificate of such further assessments as may be made after that date. All such taxes, whether assessed before or after the twentieth day of November, shall bear interest at the rate of twelve per cent per annum from that date until they are paid.

SECTION 36. Every domestic or foreign insurance company, association or partnership shall be liable for the full amount of all taxes so assessed upon it or its agents which, with interest at the rate of twelve per cent per annum, may be recovered in an action of contract brought by the treasurer and receiver general in the name of the commonwealth. It shall further be liable, upon an informa-

Assessment  
and notice to  
companies.  
1873, 141, § 8.  
1878, 218, § 3.  
P. S. 13, § 35.  
1890, 197, § 2.  
1892, 129.  
R. L. 14, § 33.  
1906, 271, § 8.

Recovery of  
tax and in-  
junction.  
1873, 141, § 10.  
1878, 218, § 3.  
P. S. 13, § 37.  
1887, 283, § 3.  
1890, 197, § 2.  
1892, 129.  
R. L. 14, § 34.

tion, to an injunction restraining it and its agents from the further prosecution of its business until all taxes due with costs and interest are fully paid.

#### TAXATION OF TRUST COMPANIES.

Returns and  
taxation of  
trust com-  
panies.  
1888, 413.  
§§ 21, 22.  
R. L. 14, § 35.  
1908, 520, § 12.

SECTION 37. Every domestic trust company incorporated subsequent to the twenty-eighth day of May in the year eighteen hundred and eighty-eight and subject to the provisions of chapter one hundred and sixteen of the Revised Laws and acts in amendment thereof, shall annually, between the first and tenth days of May, make a return to the tax commissioner, signed and sworn to by some officer of the corporation, of all personal property held upon any trust on the first day of May which would be liable to taxation if held by any other trustee residing in this commonwealth, the name of each city and town in this commonwealth where any beneficiaries resided on said day, the aggregate amount of such property then held for all the beneficiaries resident in each of such places, and also the aggregate amount held for beneficiaries not resident in this commonwealth. Such company shall annually pay to the treasurer and receiver general a tax to be assessed by the tax commissioner upon the total value of such personal property held in trust at the same rate of tax imposed upon savings banks on account of deposits.

Taxation of  
trust compa-  
nies, etc.  
P. S. 13, § 52.  
1888, 413.  
§§ 21, 23.  
R. L. 14, § 36.

SECTION 38. All trust companies and other moneyed corporations incorporated in the commonwealth shall be subject to the provisions of this part so far as they are not inconsistent with the provisions of their special charters.

#### TAXATION OF CORPORATE FRANCHISES.

##### Definitions.

SECTION 39. The term "domestic business corporation" as used in this act shall mean every corporation of the classes enumerated in section one of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three; the term "foreign corporation" shall mean every corporation, association or organization of the classes enumerated in section fifty-eight of said chapter.

Annual returns  
to tax commis-  
sioner.  
1864, 208,  
§§ 2, 3.  
1865, 283, § 3.

SECTION 40. Every corporation organized under the general or special laws of the commonwealth for purposes of business or profit, having a capital stock divided into

shares, except banks, whose shares are otherwise taxable under the provisions of this part, in addition to all returns required by its charter, and in addition to all returns otherwise required under the provisions of this part, shall annually, between the first and tenth days of May, make a return to the tax commissioner, under oath of its treasurer, stating the name of the corporation, its place of business, and setting forth as of the first day of May of the year in which the return is made: —

First, The total authorized amount of the capital stock of the corporation; the amount issued and outstanding and the amount then paid thereon; the classes, if any, into which it is divided; the par value and number of its shares; the market value of the shares of its stock, or of each class of its stock, if there are two or more classes.

Second, A statement in such detail as the tax commissioner may require of the works, structures, real estate, machinery, underground conduits, wires and pipes, owned by said corporation and subject to local taxation within the commonwealth, and of the location and value thereof; and, in the case of domestic business corporations, of the merchandise and other assets belonging to the corporation within and without the commonwealth.

Third, And, except as to street railway companies, a complete list of the shareholders of the corporation, their residences, and the amount and class of stock, if more than one, belonging to each. If stock is held as collateral security, the list shall state the name and residence of the pledgor and of the pledgee.

Railroad corporations and telegraph, street railway, and electric railroad companies, whether chartered or organized in this commonwealth or elsewhere, shall also state in their return the whole length of their lines and so much of the length of their lines as is without the commonwealth; electric railroad companies shall also return so much of their line as is constructed on private land; street railway and electric railroad companies shall also state in their return the length of track operated by them in each city or town on the thirtieth day of September preceding the return, to be determined by measuring as single track the total length of all tracks operated by them, including sidings and turn-outs, whether owned or leased by them or over which they have trackage rights only,

1880, 117, § 2.  
P. S. 13, § 38.  
1885, 238, § 1.  
1886, 270.  
1888, 413, § 24.  
1898, 417;  
578, § 2.  
R. L. 14, § 37.  
1902, 342, § 2.  
1903, 437, § 48.  
1906, 463.  
Part II., § 211.  
Part III.,  
§ 125; 516,  
§ 14.  
12 Allen, 75.  
98 Mass. 25.  
139 Mass. 561.  
144 Mass. 598.  
146 Mass. 408.  
157 Mass. 70.  
179 Mass. 15.  
[1 Op. A. G.  
278.]

Annual  
returns, etc.

and the amount of dividends paid on their capital stock during the year ending on such preceding thirtieth day of September, and during each year from the organization of the company. Telephone companies organized under the general or special laws of this commonwealth, and manufacturing, owning, using, selling or licensing others to use telephones or other apparatus or appliances pertaining thereto wholly or partially within this commonwealth, and all such companies incorporated without the commonwealth for the purpose of establishing, owning or licensing others to use such telephones, apparatus or appliances, but having in use within it any of their lines or telephones, shall also state in their return, in such form as the tax commissioner may require, the facts necessary to ascertain the deductions authorized by the following section. Such domestic companies may annually, between the first and tenth days of May, make a return to the tax commissioner, signed and sworn to by their president, treasurer and clerk, specifying the amount and market value of all stocks in other corporations held by them upon which a tax has been assessed and actually paid either in this or in any other state for the year preceding the date of said return; and the books, accounts and papers of such corporations shall be examined by the tax commissioner so far as may be necessary for the verification of said return. Other corporations required to make a return under the provisions of this section shall also state therein the amount, value and location of all works, structures, real estate, machinery, underground conduits, wires and pipes owned by them and subject to local taxation without the commonwealth. Such return shall be filed by the tax commissioner, and shall, in the case of said domestic business corporations, be open only to the inspection of the tax commissioner, his clerks and assistants, and such other officers of the commonwealth as may have occasion to inspect it for the purpose of assessing or collecting taxes.

Valuation of  
corporate fran-  
chise, etc.  
Deductions.  
1864, 208,  
§§ 5, 6,  
1865, 283,  
§§ 4, 5,  
1880, 117, § 2.  
P. S. 13, §§ 39,  
40.

SECTION 41. The tax commissioner shall ascertain from the returns or otherwise the true market value of the shares of each corporation subject to the requirements of the preceding section, and shall estimate therefrom the fair cash value of all of said shares constituting its capital stock on the preceding first day of May, which, unless

by the charter of a corporation a different method of ascertaining such value is provided, shall, for the purposes of this part, be taken as the true value of its corporate franchise. From such value there shall be deducted:

First, In case of a railroad corporation, or telegraph, street railway or electric railroad company, whether chartered or organized in this commonwealth or elsewhere, so much of the value of its capital stock as is proportional to the length of that part of its line, if any, lying without the commonwealth; and also the value of its works, structures, real estate, machinery, underground conduits, wires and pipes, subject to local taxation within the commonwealth.

Second, In case of such a domestic telephone company, the amount and market value of all stock in other corporations held by it upon which a tax has been paid in this or other states for the twelve months last preceding the date of the return; and in case of such a foreign telephone company, so much of the value of its capital stock as is proportional to the number of telephones used or controlled by it or under any letters patent, owned or controlled by it without the commonwealth. In case of a telephone company, whether chartered or organized in this commonwealth or elsewhere, the value of its works, structures, real estate, machinery, underground conduits, wires and pipes, subject to local taxation within the commonwealth.

Third, In case of a domestic business corporation, the value of the works, structures, real estate, machinery, poles, underground conduits, wires and pipes owned by it within the commonwealth subject to local taxation, and of securities which if owned by a natural person resident in this commonwealth would not be liable to taxation; also the value of its property situated in another state or country and subject to taxation therein; but the tax commissioner in determining for the purposes of taxation the value of the corporate franchise of any such corporation shall not take into consideration any debts of such corporation unless the returns required from it contain a statement duly signed and sworn to, setting forth that no part of such debts was incurred for the purpose of reducing the amount of taxes to be paid by it.

1885, 238, § 1.  
1886, 270.  
1898, 417.  
R. L. 14, § 38.  
1902, 342, § 3.  
1903, 437, § 72.  
1906, 463, Part  
II., § 212,  
Part III.,  
§ 126; 516,  
§ 15.  
1907, 395.  
13 Allen, 391.  
98 Mass. 19,  
25.  
100 Mass. 184,  
399.  
125 Mass. 568.  
137 Mass. 80.  
139 Mass. 561.  
141 Mass. 598.  
145 Mass. 528.  
146 Mass. 408.  
152 Mass. 372.  
157 Mass. 70.  
167 Mass. 522.  
178 Mass. 469.  
163 U. S. 1.



Fourth, In case of corporations subject to the requirements of the preceding section, other than railroad corporations, telegraph, telephone, street railway and electric railroad companies, whether chartered or organized in this commonwealth or elsewhere, and of domestic business corporations, the value as found by the tax commissioner of their works, structures, real estate, machinery, underground conduits, wires and pipes, subject to local taxation wherever situated.

For the purposes of this section the tax commissioner may take the value at which such works, structures, real estate, machinery, poles, underground conduits, wires and pipes are assessed at the place where they are located as the true value, but such local assessment shall not be conclusive of the true value thereof.

SECTION 42. The tax commissioner may require a corporation to prosecute an appeal from the valuation of its works, structures, real estate, machinery, poles, underground conduits, wires and pipes by the assessors of a city or town, either to the county commissioners or to the superior court, whose decision shall be conclusive upon the question of value. Upon such an appeal the tax commissioner may be heard, and in the superior court costs may be awarded as justice requires.

SECTION 43. Every corporation subject to the provisions of section forty shall annually pay a tax upon its corporate franchise, after making the deductions provided for in section forty-one, at a rate equal to the average of the annual rates for three years preceding that in which such assessment is laid, the annual rate to be determined by an apportionment of the whole amount of money to be raised by taxation upon property in the commonwealth during the same year, as returned by the assessors of the several cities and towns under the provisions of section ninety-three of Part I, after deducting therefrom the amount of tax assessed upon polls for the preceding year, as certified to the tax commissioner, upon the aggregate valuation of all cities and towns for the preceding year, as returned under sections fifty-nine and sixty of Part I; but the said tax upon the value of the corporate franchise of a domestic business corporation, after making the deductions provided for in section forty-one, shall not exceed a tax levied at the rate aforesaid upon an amount, less

Corporation to  
appeal from  
local valuation,  
when.  
1865, 283, § 6.  
P. S. 13, § 41.  
1890, 127, § 7.  
1898, 417.  
R. L. 14, § 39.  
1902, 342, § 4.  
1903, 437, § 73.  
1906, 463, Part  
II., § 213, Part  
III., § 127;  
516, § 16.

Tax to be paid  
on corporate  
franchise.  
Rate, how de-  
termined.  
1864, 208, § 5.  
1865, 283, § 5.  
1880, 117, § 2.  
P. S. 13, § 40.  
1885, 238, § 1.  
1886, 270.  
1888, 413, § 24.  
1898, 417.  
R. L. 14, § 40.  
1903, 437, § 74.  
1904, 261, § 1.  
1906, 271, §§ 9,  
12; 463, Part  
II., § 214, Part  
III., § 128;  
516, § 17.  
12 Allen, 75,  
298.  
98 Mass. 19,  
25.  
99 Mass. 146,  
151.  
105 Mass. 527.  
135 Mass. 569.  
137 Mass. 80.  
139 Mass. 561.  
146 Mass. 408.  
157 Mass. 70.  
167 Mass. 522.  
179 Mass. 15.

said deductions, twenty per cent in excess of the value, as found by the tax commissioner, of the works, structures, real estate, machinery, underground conduits, wires and pipes, and merchandise, and of securities which if owned by a natural person resident in this commonwealth would be liable to taxation; and the total amount of tax to be paid by such corporation in any year upon its property locally taxed in this commonwealth and upon the value of its corporate franchise shall amount to not less than one tenth of one per cent of the market value of its capital stock at the time of said assessment as found by the tax commissioner. If the return from any city or town is not received prior to the twentieth day of August, the amount raised by taxation in said city or town for the preceding year, as certified to the secretary of the commonwealth, may be adopted for the purpose of this determination.

192 Mass. 129.  
195 Mass. 385,  
528.  
6 Wallace, 632.  
178 U. S. 120.

#### ADDITIONAL CORPORATE FRANCHISE TAX.

SECTION 44. If an operating street railway or electric railroad company, including a company whose lines are located partly within and partly without the limits of the commonwealth, whether chartered or organized under the laws of this commonwealth or elsewhere, has paid during the year ending on the thirtieth day of September preceding the date of the return required by section forty dividends exceeding in the aggregate eight per cent upon its capital stock, it shall for every such year, in addition to the tax required by section forty-three, pay a tax equal to the amount of such excess to be determined as therein provided by the tax commissioner; but such additional tax shall not be imposed, if, from the date when the company commenced to operate its railway or railroad, it has not paid dividends equivalent in the aggregate to at least six per cent per annum upon its capital stock from year to year.

Additional tax  
on street rail-  
way and elec-  
tric railroad  
companies.  
1898, 417;  
578, § 3.  
R. L. 14, § 41.  
1906, 463, Part  
III., § 130;  
516, § 13.

SECTION 45. If the value of the works, structures, real estate, machinery, underground conduits, wires and pipes of a corporation subject to local taxation within the commonwealth, as determined by the tax commissioner, is less than the value thereof as determined by the assessors of the place where it is situated, he shall give notice of his determination to such corporation; and, unless within

Remedy of  
corporation  
when assess-  
or's valuation  
of real estate  
exceeds tax  
commis-  
sioner's.  
1865, 283, § 6.  
P. S. 13, § 41.  
1898, 417.  
R. L. 14, § 42.  
1902, 342, § 5.

1903, 437, § 76.  
 1906, 463, Part  
 II., § 215, Part  
 III., § 129;  
 516, § 19.  
 137 Mass. 81.  
 146 Mass. 403.  
 152 Mass. 384.  
 167 Mass. 522.

Additional tax  
 to be assessed  
 upon corporate  
 franchise  
 value, etc.  
 1904, 442, § 2.

one month after the date of such notice it applies to said assessors for an abatement, and, upon their refusal to grant an abatement, prosecutes an appeal under the provisions of section seventy-six of Part I, giving notice thereof to the tax commissioner, the valuation of said commissioner shall be conclusive upon said corporation.

SECTION 46. When the tax commissioner has received notice of an abatement of the taxes of any corporation as provided in section eighty-four of Part I, he shall assess upon such corporation an additional tax upon the corporate franchise value of such corporation, in such amount as shall make the total franchise tax equal that which would have been assessed by said commissioner had the valuation as established by said abatement been adopted by him when making his original assessment upon the corporate franchise value of such corporation, which said additional tax shall be paid and collected as an addition to the franchise tax next to be assessed and laid upon said corporation after such abatement, and such additional tax, when collected, shall be distributed as if it were part of said original tax.

#### COMMUTATION TAX.

Returns of  
 street railway  
 and electric  
 railroad com-  
 panies to  
 assessors.  
 1898, 417;  
 578, § 6.  
 R. L. 14, § 43.  
 1906, 463, Part  
 III., § 133;  
 516, § 22.  
 181 Mass. 205.  
 182 Mass. 41,  
 49.  
 184 Mass. 294.  
 187 Mass. 352.  
 190 Mass. 123.  
 196 U. S. 539.

SECTION 47. A street railway or an electric railroad company, including a company whose lines are located partly within and partly without the limits of the commonwealth, whether chartered or organized under the laws of this commonwealth or elsewhere, shall annually, on or before the fifteenth day of October, make and file in the office of the board of assessors of every city and town in which any part of the railway or railroad operated by it is situated a return signed and sworn to by its president and treasurer, stating, in the case of a street railway company, the length of track operated by it in public ways and places in such city or town, and also the total length of track operated by it in public ways and places, and in the case of an electric railroad company stating the length of track operated by it longitudinally upon public ways and places in such city or town, and also the total length of track operated by it, determined as provided in section forty, and also the amount of its gross receipts during the year ending on the preceding thirtieth day of September, including therein all amounts received by it

from the operation of its railway or railroad, but excluding income derived from the sale of power, rental of tracks or other sources.

SECTION 48. On or before the first day of November annually, the assessors of every city and town in which a street railway or an electric railroad is operated, including a company whose lines are located partly within and partly without the limits of the commonwealth, whether chartered or organized under the laws of this commonwealth or elsewhere, shall assess on each company described in the preceding section operating a railway or railroad therein an excise tax of an amount equal to such proportion of the following percentages of the gross receipts of such company as, in the case of a street railway company, the length of tracks operated by it in public ways and places of such city or town bears to the total length of tracks operated by it in public ways and places, and in the case of an electric railroad company as the length of tracks operated by it longitudinally in public ways and places of such city or town bears to the total length of tracks operated by it.

The percentages shall be based upon the annual gross receipts for each mile of track as follows, and computed upon the aggregate of said annual gross receipts: four thousand dollars or less, one per cent; more than four thousand dollars and less than seven thousand, two per cent; more than seven thousand dollars and less than fourteen thousand, two and one quarter per cent; more than fourteen thousand dollars and less than twenty-one thousand, two and one half per cent; more than twenty-one thousand dollars and less than twenty-eight thousand, two and three quarters per cent; twenty-eight thousand dollars or more, three per cent.

The excise tax provided by this section shall be in addition to the taxes otherwise provided by law.

SECTION 49. The aldermen of a city, the selectmen of a town, or a street railway or an electric railroad company operating in such city or town may petition the board of railroad commissioners for a revision of the amount of the excise tax to be paid by a company under the provisions of the preceding section. Said board shall, upon such petition, after public notice and a hearing at which said aldermen or selectmen and said company may

Excise tax.  
1898, 417;  
578, § 7.  
R. L. 14, § 44.  
1906, 463, Part  
III., § 134;  
516, § 23.  
181 Mass. 205.  
182 Mass. 41,  
49.  
184 Mass. 294.  
187 Mass. 352.  
190 Mass. 123.  
196 U. S. 539.

Revision of  
tax.  
1898, 578, § 8.  
R. L. 14, § 45.  
1906, 463, Part  
III., § 135;  
516, § 24.  
184 Mass 296.

Revision of  
tax, etc.

submit evidence, determine the average annual cost to said city or town of the work done by it during the preceding three years under the provisions of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, which it was not by law required to do prior to the first day of October in the year eighteen hundred and ninety-eight, and also the average annual payment made by said company to said city or town under and pursuant to the provisions of the preceding section during said three years; and having determined said average annual cost and average annual payments, said board shall fix and determine the proportion of a percentage of the gross receipts which shall be paid as an excise tax under the provisions of said section by the company to said city or town annually thereafter, said percentage to be fixed at such a rate as will be necessary to yield to said city or town annually thereafter an amount equal to the average annual cost to said city or town determined as aforesaid; and the percentage so fixed shall not again be changed for the period of three years, and then only in the manner herein provided. Said board may at any time upon petition therefor by a city or town entitled to a part of the excise tax paid by a street railway or an electric railroad company, after such notice as the board may order to all other cities and towns entitled to share in the excise tax paid by said company, and after a hearing, determine as to the distribution thereof among the several cities and towns in which such company operates any part of its railway or railroad, and fix the proportions thereof to which they shall respectively be entitled, which shall thereafter be the proportions of said excise tax to be assessed upon said company, instead of the proportion based upon length of tracks as hereinbefore provided.

Notice to tax  
collector of  
amount of  
excise tax.  
1898, 578, § 9.  
R. L. 14, § 46.  
1906, 463, Part  
III., § 136;  
516, § 25.  
184 Mass. 296.

SECTION 50. Prior to the fifteenth day of November in each year the assessors of every city and town shall notify the collector of taxes thereof of the amount of excise tax assessed therein under the provisions of section forty-eight, and the collector shall forthwith notify the treasurer of each street railway and electric railroad company of the amount of excise tax so assessed upon it, which shall become due and payable within thirty days after the receipt of such notice. The provisions of Part II, so far



as appropriate, shall apply to the collection of such excise tax.

SECTION 51. All taxes which are collected from a street railway or an electric railroad company and paid to a city or town under the provisions of the preceding section, of section sixty-five, and of section twenty-eight of chapter five hundred and seventy-eight of the acts of the year eighteen hundred and ninety-eight, shall be applied in the case of street railway companies toward the repair and maintenance of the public ways and the removal of snow therefrom within such city or town, and in the case of electric railroad companies shall be applied toward the construction, repair and maintenance of the public ways and places in which the tracks of such company are located, and to the removal of snow from such public ways and places within such cities and towns.

Application of taxes.  
1898, 578, § 10.  
R. L. 14, § 47.  
1906, 463, Part 111., § 137; 516, § 26.  
1907, 318.  
181 Mass. 205.  
182 Mass. 41.  
184 Mass. 294.  
190 Mass. 123.

#### TAXATION OF TELEGRAPH COMPANIES.

SECTION 52. Every corporation or association chartered or organized without the commonwealth which owns, controls or uses a line of telegraph within the commonwealth, shall make the returns required in section forty to be made by telegraph companies within the commonwealth, except the list of its shareholders; and shall annually pay a tax at the rate determined in the manner provided in section forty-three; and all telegraph lines within the commonwealth controlled and used by such corporation or association, shall, for the purposes of this part, be deemed to be a part of its own lines.

Returns and tax of foreign telegraph companies.  
1864, 208, § 9.  
1865, 283, § 7.  
P. S. 13, § 42.  
R. L. 14, § 48.  
139 Mass. 564.  
125 U. S. 530.  
141 U. S. 40.  
163 U. S. 1.

#### TAXATION OF THE GUARANTY CAPITAL OF MUTUAL FIRE INSURANCE COMPANIES ORGANIZED UNDER GENERAL LAWS, AND OF SHARES IN THE PERMANENT FUND OF MUTUAL MARINE, AND MUTUAL FIRE AND MARINE, INSURANCE COMPANIES.

SECTION 53. Mutual fire insurance companies with a guaranty capital, mutual marine, and mutual fire and marine, insurance companies with a permanent fund shall, if organized under the general laws, be subject to the provisions of this part imposing a tax upon the franchises of corporations organized for purposes of business or profit

Guaranty capital and permanent funds of certain mutual insurance companies, how taxed.  
1872, 315,  
§§ 11, 12.  
P. S. 13, § 50.

R. L. 14, § 53.  
137 Mass. 80.  
139 Mass. 564.

having a capital stock divided into shares, relative to the assessment and payment of a tax upon such guaranty capital or permanent fund, and shall make all such returns and payments, and be subject to like penalties, liabilities and forfeitures, and have the same rights of appeal as are required of, imposed upon and given to such corporations in this part.

#### TAXATION OF FOREIGN CORPORATIONS.

Annual certificate of condition.

1891, 341, § 1.  
1895, 311, § 1.  
R. L. 126, § 13.  
1903, 437, § 66.  
1905, 233.  
188 Mass. 239.

SECTION 54. Every foreign corporation shall annually, within thirty days after the date fixed for its annual meeting, or within thirty days after the final adjournment of said meeting, but not more than three months after the date so fixed for said meeting, prepare and file in the office of the secretary of the commonwealth, upon payment of the fee provided in section ninety-one of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three, a certificate signed and sworn to by its president, treasurer, and by a majority of its board of directors, showing the amount of its authorized capital stock, and its assets and liabilities as of a date not more than ninety days prior to said annual meeting, in such form as is required of domestic business corporations under the provisions of section forty-five of said chapter, and the change or changes, if any, in the other particulars included in the certificate required by section sixty of said chapter, made since the filing of said certificate or of the last annual report.

Approval of certificate.

1891, 341, § 5.  
1897, 492.  
R. L. 126, § 14.  
1903, 437, § 67.  
1908, 300, § 2.  
188 Mass. 239.

SECTION 55. A certificate which is required to be filed by the preceding section shall be accompanied by a written statement under oath by an auditor, as provided in section forty-seven of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three, except that such auditor shall in all cases be chosen by the board of directors. Before it is filed it shall be submitted to the commissioner of corporations, who shall examine said certificate and shall as tax commissioner assess upon the corporation an excise tax in accordance with the provisions of the following section. If he finds that the certificate is in compliance with the requirements of the preceding section, he shall indorse his approval thereon; but no certificate shall be filed until he has indorsed his

approval thereon, and until the excise tax required by the following section has been paid to the treasurer and receiver general.

SECTION 56. Every foreign corporation shall, in each year, at the time of filing its annual certificate of condition, pay to the treasurer and receiver general, for the use of the commonwealth, an excise tax to be assessed by the tax commissioner of one fiftieth of one per cent of the par value of its authorized capital stock as stated in its annual certificate of condition; but the amount of such excise tax shall not in any one year exceed the sum of two thousand dollars.

Taxation of foreign corporations.  
1903, 437, § 75.  
1907, 578.  
188 Mass. 1, 239.

#### NOTICE OF TAX.

SECTION 57. The tax commissioner shall annually, as soon as may be after the first Monday of August, give notice to the treasurer of every corporation, company or association, or the secretary or general agent of every life insurance company which is liable to taxation under the provisions of sections twenty-six, thirty-seven, thirty-eight, forty-three, forty-four, fifty-two and fifty-three, of the amount thereof; that it will be due and payable to the treasurer and receiver general within thirty days after the date of such notice, but not before the twentieth day of October; and that within ten days after the date of such notice the corporation, company or association may apply for a correction of said tax, and be heard thereon by the board of appeal.

Notice of tax.  
1865, 283, § 11.  
1880, 227, § 2.  
P. S. 13, §§ 26, 53.  
1887, 283, § 1.  
1888, 413, § 23.  
1898, 417.  
R. L. 14, § 54.  
1903, 437, § 77.  
1906, 271.  
§§ 10, 13.  
139 Mass. 562.

#### PENALTIES.

SECTION 58. If a domestic business corporation fails to file its tax return before the tenth day of May of each year, or if a foreign corporation omits to file the certificate as required in section fifty-four, the tax commissioner shall give notice by mail, postage prepaid, to the corporation of its default, directed, in the case of a foreign corporation, to the resident manager, if any, in the United States, or to any other person designated by the corporation, by written notice filed in the office of the commissioner, as provided in section fifty-nine of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three for notice of the service of legal process, which notice to said foreign corporation shall contain a

Penalties for neglect to make returns, and for false statements.  
Recovery thereof.  
1862, 224, § 9.  
1864, 208, § 14.  
1865, 283, § 14.  
1873, 141, § 9.  
P. S. 13, § 54.  
R. L. 14, §§ 55, 58.  
1903, 437.  
§§ 49, 50, 68, 69.  
1906, 346.  
§§ 1, 2.  
188 Mass. 239.

Penalties, etc.

copy of this section and of sections sixty-five to sixty-eight inclusive of said chapter. If such business or foreign corporation fails to file such return or certificate within thirty days after such notice of default has been given or mailed, it shall forfeit to the commonwealth not less than five nor more than ten dollars for each day for fifteen days after the expiration of the said thirty days, and not less than ten nor more than two hundred dollars for each day thereafter during which such default continues, or any other sum, not greater than the maximum penalty or forfeiture, which the court may deem just and equitable, which, in the case of a foreign corporation, shall be recovered as herein provided.

Penalties and forfeitures incurred by any domestic business or foreign corporation which, being subject to the provisions of this act, omits to cause any certificate or return which may be required by the provisions of sections forty and fifty-four to be duly filed may be recovered in an action brought in the county of Suffolk in the name of the commonwealth, or they may be recovered by an information in equity in the name of the attorney-general at the relation of the tax commissioner, brought in the supreme judicial court in the county of Suffolk. Upon such information, the court may issue an injunction restraining the further prosecution of the business of the corporation named therein until such penalties or forfeitures, with interest and costs, have been paid, and until the returns and certificates required by this act have been filed.

Penalties for neglect to make returns, and for false statements. Recovery thereof.  
 1862, 224, § 9.  
 1864, 208, § 14.  
 1865, 283, § 14.  
 1873, 141, § 9.  
 1878, 218, § 3.  
 1880, 227, § 4.  
 P. S. 13, §§ 7, 28, 36, 54.  
 1890, 197, § 2.  
 1892, 129.  
 1898, 417.  
 R. L. 14, §§ 55, 59.  
 1908, 318.

SECTION 59. A corporation or agent neglecting to make the return required by section twenty-six shall forfeit fifty dollars for every day during which such neglect continues. A corporation, company, association or partnership which fails to make the return required by section thirty-four shall forfeit twenty-five dollars. If it neglects to make such return for ten days after notice thereof, addressed to it, has been deposited in the post office, postage prepaid, it shall further forfeit five hundred dollars, and upon information by the attorney-general at the relation of the tax commissioner it may be restrained from the further transaction of its business in this commonwealth until it has made such return; but such penalty shall not be incurred if it is proved that the return was duly made and de-

posited in the post office, postage prepaid, properly directed to the tax commissioner, and that there was no neglect. If any return required by section thirty-four contains a false statement which is known, or by the exercise of reasonable care might have been known, to the agent or officers making it, to be false, such company or agent shall be liable for the amount of tax thereby lost to the commonwealth, and, in addition, to a penalty of not less than five hundred nor more than five thousand dollars. Penalties, etc.

Any corporation, company, co-partnership or association, except a domestic business or foreign corporation, liable to taxation under the provisions of sections thirty-seven, thirty-eight, forty-three, forty-four, fifty-two and fifty-three, neglecting to make the returns required by this act, or refusing or neglecting, when required, to submit to the examinations provided for therein, shall forfeit such sum not greater than two per cent upon the par value of its capital stock as the court may deem just and equitable. A guardian, executor, administrator, trustee or partnership neglecting to make the returns required by section eight shall forfeit one hundred dollars. Such penalties may be recovered in an action of tort to be brought by the treasurer and receiver general, in the name of the commonwealth, either in the county of Suffolk or in the county in which the corporation is located. A corporation, company or association which fails to make a return as required by sections thirty-eight, forty, fifty-two and fifty-three, or the agents thereof, may upon application of the tax commissioner to the supreme judicial court be restrained from the further prosecution of its business until it has made such returns.

SECTION 60. Corporations which neglect to pay taxes assessed and certified to the treasurer and receiver general by the tax commissioner shall pay interest at the rate of six per cent per annum from the time when such taxes were payable until they are paid, if such payment is made before the commencement of proceedings for the recovery thereof, and twelve per cent if made after the commencement thereof. Interest on unpaid taxes.  
1900, 398.  
1901, 222.  
R. L. 14, § 56.  
1903, 437, § 79.

SECTION 61. If a savings bank, institution for savings, insurance company or agent thereof, or other corporation, company or association fails to pay the tax Action at law to recover unpaid taxes.  
1862, 224, § 11.  
1864, 208, § 14.



1865, 283, § 14.  
 1873, 141, § 10.  
 1876, 59.  
 1878, 218, § 3.  
 P. S. 13, §§ 22,  
 37, 54.  
 1898, 417.  
 1900, 398.  
 R. L. 14, § 57.  
 1903, 437, § 78.  
 11 Allen, 283.  
 Collection of  
 penalties and  
 unpaid taxes  
 by infor-  
 mation.  
 1862, 224, 11.  
 1865, 283, 14.  
 1873, 141, 10.  
 1878, 218, 3.  
 1880, 227, 4.  
 P. S. 13, §§ 22,  
 28, 36, 54.  
 1898, 417.  
 1900, 398.  
 R. L. 14, § 58.  
 1903, 437, § 78.  
 99 Mass. 151.  
 123 Mass. 496.  
 125 U. S. 530.

required by sections twenty-one, twenty-four, twenty-six, twenty-eight to thirty-one inclusive, thirty-five, thirty-seven, thirty-eight, forty, forty-three, fifty-two and fifty-three, to be paid to the commonwealth, the treasurer and receiver general may recover the same in an action of contract brought in the name of the commonwealth.

SECTION 62. Penalties incurred by corporations, companies or associations, except domestic business and foreign corporations, for failure to make the returns required by sections eight, twenty-six, thirty-four, thirty-seven, thirty-eight, forty, fifty-two and fifty-three, may also be collected by an information brought in the supreme judicial court by the attorney-general at the relation of the tax commissioner; and taxes under the provisions of sections twenty-one, twenty-four, thirty-eight, forty-three, fifty-two and fifty-three, may also be collected by a like information at the relation of the treasurer and receiver general. The court may issue an injunction upon such information, restraining the further prosecution of the business of such company or corporation until such penalties or taxes, with interest and costs thereon, have been paid, and the returns have been made; and in the case of a domestic business or foreign corporation, taxes which are assessed under the provisions of this act may also be collected by an information brought in the supreme judicial court by the attorney-general at the relation of the treasurer and receiver general, and the court may issue an injunction upon such information, restraining the further prosecution of the business of such corporation until such taxes, with interest and costs thereon, have been paid; but no telegraph company accepting the provisions of section five thousand two hundred and sixty-three of the Revised Statutes of the United States shall be enjoined from constructing, maintaining or operating a telegraph line over and along any of the military or post roads of the United States within this commonwealth.

SECTION 63. The lessee of the works, structures, real estate or machinery of any corporation, company or association taxed under the provisions of sections twenty-four, thirty-eight, forty, forty-three, fifty-two and fifty-three shall also be liable for the payment of the tax, and upon such payment may, in the absence of an agreement to the

Lessee of corporate property also to be liable for the tax.  
 1865, 283, § 16.  
 P. S. 13, § 56.  
 1898, 417.  
 R. L. 14, § 60.  
 1903, 437, § 80.

contrary, retain it out of the rent of the property, or recover it in an action against the lessor.

SECTION 64. No taxes shall be assessed in a city or town for state, county or town purposes, upon the shares in the capital stock of corporations, companies or associations taxable under the provisions of sections thirty-seven, thirty-eight, forty-three, fifty-two and fifty-three, for any year for which they pay to the treasurer and receiver general a tax on their corporate franchises; or, in the case of safe deposit, loan and trust companies, for any year for which they pay a tax as provided in section thirty-seven. Such proportion of the tax collected of each corporation, company or association under the provisions of sections thirty-eight and forty-three, except domestic business corporations, street railway and electric railroad companies, as corresponds to the proportion of its stock owned by persons residing in this commonwealth, shall be distributed, credited and paid to the several cities and towns in which, from the returns or other evidence, it appears that such persons resided on the preceding first day of May, according to the number of shares so held in such cities and towns respectively. Such proportion of the tax paid by safe deposit, loan and trust companies under the provisions of section thirty-seven as corresponds to the amount of property held by them in trust or on deposit, as described in said section, for beneficiaries or depositors resident in this commonwealth, shall be distributed, credited and paid to the several cities and towns in which, from the returns or other evidence, it appears that such beneficiaries and depositors resided on the first day of the preceding May, according to the aggregate amount so held for beneficiaries and depositors residing in such cities and towns respectively. If stock is held by co-partners, guardians, executors, administrators or trustees, the proportion of tax corresponding to the amount of stock so held shall be credited and paid to the cities and towns where the stock would have been taxed under the provisions of clauses Fourth, Fifth, Sixth and Seventh of section twenty-three and section twenty-seven of Part I. Such proportion of the tax collected of each electric railroad company under the provisions of sections forty-three and forty-four as corresponds to the proportion of

Exemption  
from local  
taxation.  
Apportion-  
ment.

1864, 208, §§ 8,  
15.  
1865, 283, § 15.  
1866, 291, § 2.  
P. S. 13, § 57.  
1887, 228.  
1888, 413, § 23.  
1898, 417, 578,  
§§ 4, 26.  
1900, 413, § 5.  
1901, 413, § 4.  
R. L. 14, § 61.  
1903, 437, § 86.  
1906, 463, Part  
II., § 216,  
Part III.,  
§ 131;  
516, § 20.  
1908, 614.  
135 Mass. 569.  
139 Mass. 559.  
184 Mass. 460.  
190 Mass. 123.

Exemption,  
etc.

its line constructed on private land shall be distributed, credited and paid as above provided. Such proportion of the tax collected from any such electric railroad company under the provisions of sections forty-three and forty-four as corresponds to the proportion of its line located longitudinally upon public ways and places shall be distributed, credited and paid to the several cities and towns in proportion to the length of tracks operated by such company in such cities and towns respectively. The tax collected of each street railway company under the provisions of sections forty-three and forty-four shall be apportioned among the several cities and towns in proportion to the length of tracks operated by such company in said cities and towns respectively. The share of the tax paid by a street railway or an electric railroad company in respect of its tracks upon locations granted by the board of metropolitan park commissioners or by the Wachusett mountain state reservation commission shall be apportioned to the commonwealth, and shall be credited by the treasurer and receiver general to the sinking fund of the loan to which the expenditure for the road, boulevard, park or reservation in which the tracks are located was charged. One half of such proportion of the tax collected of each domestic business corporation as corresponds to the proportion of its stock owned by persons residing in this commonwealth shall be distributed, credited and paid to the several cities and towns in which, from the returns or other evidence, it appears that such persons resided on the preceding first day of May, according to the number of shares so held in such cities and towns respectively. The other half of said proportion shall be distributed, credited and paid to the city or town where the business of the corporation is carried on, and if a corporation maintains an office, store or factory in more than one city or town this part of the tax shall be distributed, credited and paid to such cities and towns in proportion to the amount of tangible property of the corporation in such city or town on the first day of May. If stock is held by co-partners, guardians, executors, administrators or trustees, one half of the proportion of such tax corresponding to the amount of stock so held shall be credited and paid to the cities and towns where the stock would have been taxed under the provisions of clauses

Fourth, Fifth, Sixth and Seventh of section twenty-three of Part I. This provision however shall not affect the distribution of taxes assessed during the year nineteen hundred and eight. If a city or town owns stock in any corporation taxed upon its corporate franchise under the provisions of this part, a return to said city or town shall be made as if it were owned by persons resident therein.

SECTION 65. The tax commissioner shall, subject to appeal to the board of appeal, ascertain and determine the amount due to each city and town under the provisions of the preceding section, notify the treasurer of each city and town thereof and certify the amount as finally determined, to the treasurer and receiver general, who shall thereupon pay over the same.

1906, 463, Part II., § 217, Part III., § 132; 516, § 21.

SECTION 66. Every insurance company liable to taxation under the provisions of section twenty-six, and every corporation, except a foreign corporation, liable to taxation under the provisions of sections twenty-four, thirty-seven, thirty-eight, forty, forty-one, forty-two, forty-three, forty-five, fifty-two and fifty-three, shall, when required, submit its books to the inspection of the tax commissioner, and its treasurer and directors to examination on oath relative to all matters affecting the determinations which are to be made by said commissioner.

98 Mass. 22.

SECTION 67. The tax on corporate franchises herein imposed upon any corporation shall not affect nor prevent the imposition and collection of any other tax now authorized, or that may hereafter be authorized, upon any especial privilege, franchise or business enjoyed or exercised by such corporation.

#### APPEALS AND BOARD OF APPEAL.

SECTION 68. The treasurer and receiver general, the auditor of accounts and a member of the council to be designated by the governor, shall constitute a board of appeal. Any party aggrieved by a decision of the tax commissioner made under the provisions of section twenty-four or of sections twenty-six to sixty-five, inclusive, and any party aggrieved by any other decision of the tax commissioner upon any matter arising under the provisions of this act from which an appeal is given, may apply to the board of appeal within ten days after notice of his

Tax commissioner to determine amounts due to cities and towns.  
1865, 283, § 15.  
P. S. 13, § 58.  
1898, 578,  
§§ 4, 5.  
R. L. 14, § 62.  
1903, 437, § 87.

Corporations liable to taxation to submit books to inspection and officers to examination.  
1864, 208, § 16.  
1865, 283, § 17.  
1880, 227, § 2.  
P. S. 13, §§ 26, 59.  
1886, 270.  
1887, 283, § 1.  
1888, 413, § 23.  
1898, 417.  
R. L. 14, § 63.  
1903, 437, § 81.

Corporate franchise tax not to affect imposition of other taxes.  
1865, 283, § 18.  
P. S. 13, § 60.  
1898, 417.  
R. L. 14, § 64.

Board of appeal; appeals; reimbursement of over-payments.  
1865, 283, § 13.  
1877, 164.  
1880, 227, § 2.  
P. S. 13, §§ 61, 62.  
1898, 417.  
R. L. 14, § 65.  
1903, 437, § 82.  
1908, 220.  
144 Mass. 598.

decision. Said board shall hear and decide the subject-matter of such appeal and give notice of the decision to the tax commissioner and the appellant; and its decision shall be final and conclusive, although payments have been made as required by the decision appealed from. Any overpayment of tax determined by decision of said board of appeal shall be reimbursed from the treasury of the commonwealth. Taxes assessed on the corporate franchises of domestic corporations which are unpaid and are uncollectible may be abated by the board of appeal on the recommendation of the attorney-general and tax commissioner at any time after the expiration of five years from the date of the certification of such taxes to the treasurer and receiver general.

WARRANTS FOR COLLECTION AND APPLICATIONS FOR RELIEF.

Collection of  
tax by war-  
rant.  
1867, 52,  
§§ 1, 4.  
1881, 155.  
P. S. 13,  
§§ 63, 66.  
1898, 417.  
1900, 398.  
1901, 222.  
R. L. 14, § 66.  
1903, 437, § 83.  
123 Mass. 497.

SECTION 69. When a tax or excise of any kind remains due to or is claimed by the commonwealth from a corporation, company or association, whether existing by authority of this commonwealth or otherwise, except a municipal corporation, for ten days after notice given through the mail by the treasurer and receiver general to its treasurer or other financial agent that such tax or excise is due and unpaid, the treasurer and receiver general may, in addition to other modes of relief, issue his warrant, directed to the sheriff or his deputies of the county in which such corporation, company or association has its place of business, commanding the collection of such tax or excise. Such warrant may be substantially in the form of and served in the same manner as those issued by the assessors of towns. Such warrant shall not run against the body of any person, nor shall any property of such delinquent corporation, company or association be exempt from seizure and sale thereon. The officer having such warrant shall collect such tax or excise, and interest upon the same at the rate of twelve per cent per annum from the time when such tax or excise became due, and may collect and receive for his fees the sum which an officer would be entitled by law to receive upon an execution for a like amount. He shall also collect one dollar for the warrant, which shall be paid over to the treasurer and receiver general.



SECTION 70. Any corporation or association aggrieved by the exaction of said tax or excise or of any portion thereof may, within six months after the payment of the same, whether such payment be after or before the issue of the warrant mentioned in the preceding section, apply by petition to the supreme judicial court, setting forth the amount of the tax or excise and costs thereon so paid, the general legal grounds and the specific grounds in fact, if any, upon which it is claimed such tax or excise should not have been exacted. Said petition shall be the exclusive remedy and shall be entered and heard in the county of Suffolk. A copy of the same shall be served upon the treasurer and receiver general and upon the attorney-general. The proceedings upon such petition shall conform, as nearly as may be, to proceedings in equity, and an abatement shall be made of only such portion of the tax or excise as was assessed without authority of law. In case said tax or excise has heretofore been exacted or is hereafter exacted in consequence of any law or statute of any other state of the United States, then the application above provided for may be made at any time within six years after the exaction of said tax or excise or any portion thereof.

Validity of tax may be determined by supreme judicial court on petition.  
1867, 52, §§ 2, 4.  
1881, 155.  
P. S. 13, §§ 64, 66.  
1898, 417.  
R. L. 14, § 67.  
1903, 437, § 84.  
1906, 349.  
99 Mass. 146.  
123 Mass. 497.  
137 Mass. 80.  
144 Mass. 66.  
598.  
149 Mass. 1.  
157 Mass. 68.

SECTION 71. If the court, upon a hearing or trial, adjudges that said tax or excise, and the costs thereon, have been illegally exacted, a copy of the judgment or decree shall be transmitted by the clerk of the court to the auditor, who shall thereupon audit and certify the amount adjudged to have been illegally exacted, with interest, and costs to be taxed by the clerk of the court in the same manner as other claims against the commonwealth, and the treasurer and receiver general shall pay the same, without any further act or resolve making appropriation therefor. So much thereof as has been paid from the treasury of the commonwealth to any city or town may be deducted from and set off against any sum afterwards payable to such city or town.

Reimbursement of tax if illegally exacted.  
1867, 52, § 3.  
1881, 155.  
P. S. 13, § 65.  
1898, 417.  
R. L. 14, § 68.  
1903, 437, § 85.

#### EXPRESS COMPANIES.

SECTION 72. Every person, company, partnership or association doing an express business on any railroad, railway, steamboat or vessel in the commonwealth, shall annually, between the first and tenth days of May, make a

Taxation of express companies, annual return to tax commissioner.  
1907, 586, § 1.  
1908, 194.  
§§ 1, 3.

Taxation of  
express com-  
panies, etc.

return to the tax commissioner, signed and sworn to, in the case of a corporation or association by its treasurer or other financial officer, in the case of a partnership by a member of the firm, and in the case of an individual by the person carrying on the business, stating the name of the person, company, partnership or association, and setting forth as of the first day of May in the year in which the return is made: —

First. The total amount of the outstanding capital of the person, company, partnership or association; the classes of stock, if any, into which it is divided; the par value and number of the shares; the market value of its shares and of each class thereof, if there are two or more classes.

Second. The amount and par and market value of all bonds issued by such person, company, partnership or association, together with the amount of the unfunded debt, if any, and such analysis as the tax commissioner may require of the purposes for which said unfunded debt was incurred.

Third. A statement in such detail as the tax commissioner may require of the real estate, machinery, merchandise and other property belonging to the person, company, partnership or association, together with the location and value thereof and the amount of taxes paid thereon to the various cities and towns in the commonwealth for the twelve months preceding said first day of May; also the gross earnings within the commonwealth, and the total gross earnings for the twelve months preceding said first day of May, and securities not liable to taxation, with the value thereof. Such return shall be filed with the tax commissioner, and shall be open only to the inspection of the tax commissioner, his clerks and assistants, and such other officers of the commonwealth as may have occasion to inspect it for the purpose of assessing or of collecting taxes.

Notice of fail-  
ure to make  
return.  
Penalty.  
1907, 586, § 2.

SECTION 73. If such person, company, partnership or association fails to file said return before the tenth day of May of each year, the tax commissioner shall give notice by mail, postage prepaid, to such person, company, partnership or association of the default. If the return is not filed within thirty days after such notice of default has been given, the party in default shall forfeit to the com-

monwealth not less than five nor more than ten dollars for each day for fifteen days after the expiration of the said thirty days, and not less than ten nor more than two hundred dollars for each day thereafter during which such default continues.

SECTION 74. Penalties or forfeitures incurred by failure to comply with the provisions of the preceding sections may be recovered in an action brought in the county of Suffolk in the name of the commonwealth, or may be recovered by an information in equity in the name of the attorney-general, at the relation of the tax commissioner, brought in the supreme judicial court in the county of Suffolk. Upon such information, the court may issue an injunction restraining the further prosecution of the business of the person, company, partnership or association named therein until such penalties or forfeitures, with interest and costs, have been paid, and until the return required by section seventy-two has been filed.

Forfeitures,  
how recovered.  
1907, 586, § 3.

SECTION 75. The tax commissioner shall ascertain from the returns or otherwise the true market value of the shares and bonds of every such person, company, partnership or association, and such part of the unfunded debt as he may determine to have been incurred for the purposes of construction or permanent equipment or improvement, and shall estimate therefrom the fair cash value of all the said shares, bonds and unfunded debt as herein specified, constituting its capital on the preceding first day of May.

Tax commis-  
sioner to esti-  
mate value of  
capital.  
1907, 586, § 4.

SECTION 76. The tax commissioner shall thereupon in each year levy an excise tax upon every such person, company, partnership or association, upon the fair cash value of such proportion of his or its capital, bonds and unfunded debt determined as above, after deducting therefrom the value of the real estate, machinery, merchandise and other property belonging to the person, company, partnership or association, within the commonwealth and subject to taxation in the various cities and towns thereof, together with the value of securities owned by him or it and not liable to local taxation, as the gross earnings of the said person, company, partnership or association within the state, bear to his or its total gross earnings, at a rate equal to the average of the annual rates for the three years preceding that in which the assessment is made, the annual rate to be determined by an apportionment of the whole

Excise tax  
how levied.  
1907, 586, § 5.

Excise tax, etc. amount of money to be raised by taxation upon property in the commonwealth during the same year as returned by the assessors of the several cities and towns under the provisions of section ninety-three of Part I, after deducting therefrom the tax assessed upon polls for the preceding year, as certified to the secretary of the commonwealth, upon the aggregate valuation of all cities and towns for the preceding year as returned under sections fifty-nine and sixty of Part I.

For the purposes of this section the tax commissioner may take the value at which the real estate, machinery, merchandise and other property are assessed at the place where they are located as the true value, but such local assessment shall not be conclusive of the true value thereof. The tax commissioner may require the person, company, partnership or association to prosecute an appeal from the valuation of the real estate, machinery, merchandise or other property by the assessors of the city or town either to the county commissioners or to the superior court, whose decision shall be conclusive upon the question of value. Upon such appeal the tax commissioner may be heard, and in the superior court costs may be awarded as justice requires.

Notice to be given of amount of tax. 1907, 586, § 6.

SECTION 77. The tax commissioner shall annually, as soon as may be after the first Monday of August, give notice to every such person and to the treasurer of every such company, partnership or association which is liable to taxation under the provisions of the preceding section of the amount thereof; that it will be due and payable to the treasurer and receiver general within thirty days after the date of such notice, but not before the twentieth day of October; and that, within ten days after the date of such notice, the person, company, partnership or association may apply for a correction of said tax and be heard thereon by the board of appeal authorized by the provisions of section sixty-eight of this part.

Assessors to make return to tax commissioner. 1907, 586, § 7.

SECTION 78. Assessors shall annually on or before the first Monday in August return to the tax commissioner a list of the real estate, merchandise and other property of the persons, concerns or companies doing an express business as aforesaid, and in such form and detail as the tax commissioner may require, with the value thereof on the first day of May preceding and the amount at which the

same are assessed in said city or town for the year then current. If the assessors neglect to comply with the requirements of this section, each assessor so neglecting shall forfeit one hundred dollars.

SECTION 79. Every person, partnership, association or domestic corporation which is subject to taxation under the provisions of section seventy-six shall, when so required, submit its books to the inspection of the tax commissioner, and its treasurer, directors or other officers to examination on oath relative to all matters affecting the determinations to be made by said commissioner.

To submit books to inspection and officers to examination 1908, 194, § 2.

## PART IV.

### TAXATION OF LEGACIES AND SUCCESSIONS.

SECTION 1. All property within the jurisdiction of the commonwealth, corporeal or incorporeal, and any interest therein, whether belonging to inhabitants of the commonwealth or not, which shall pass by will, or by the laws regulating intestate succession, or by deed, grant, or gift, except in cases of a bona fide purchase for full consideration in money or money's worth, made or intended to take effect in possession or enjoyment after the death of the grantor, to any person, absolutely or in trust, except to or for the use of charitable, educational or religious societies or institutions, the property of which is by law exempt from taxation, or for or upon trust for any charitable purposes, or to or for the use of a city or town for public purposes, or to or for the use of (class A) the husband, wife, lineal ancestor, lineal descendant, adopted child, the lineal descendant of any adopted child, the wife or widow of a son, or the husband of a daughter, of a decedent, or to or for the use of (class B) the brother, sister, nephew or niece of a decedent, shall be subject to a tax of five per cent of its value for the use of the commonwealth; and such property which shall so pass to or for the use of a member of class A shall be subject to a tax of one per cent of its value for the use of the commonwealth if such value does not exceed fifty thousand dollars, to a tax of one and one half per cent if its value exceeds fifty thousand and does not exceed one hundred thousand dollars, and to a tax of two per cent if its value

Taxation of legacies and successions. Exemptions. 1891, 425, § 1. 1895, 307. 1896, 108. 1901, 297. R. L. 15, § 1. 1905, 470. 1906, 436. 1907, 563, § 1. 162 Mass. 113. 164 Mass. 79. 171 Mass. 410, 595. 173 Mass. 205, 375. 174 Mass. 144, 266. 175 Mass. 59. 176 Mass. 190. 178 Mass. 95. 179 Mass. 546. 180 Mass. 545. 185 Mass. 310. 178 U. S. 41, 115. [1 Op. A. G. 75, 76, 288.]



exceeds one hundred thousand dollars; and such property which shall so pass to or for the use of a member of class B shall be subject to a tax of three per cent of its value for the use of the commonwealth if such value does not exceed twenty-five thousand dollars, to a tax of four per cent if its value exceeds twenty-five thousand and does not exceed one hundred thousand dollars, and to a tax of five per cent if its value exceeds one hundred thousand dollars; and administrators, executors and trustees, and any grantees under such conveyance made during the grantor's life, shall be liable for such taxes, with interest, until the same have been paid; but no bequest, devise or distributive share of an estate which shall so pass to or for the use of a husband, wife, father, mother, child or adopted child of the deceased, unless its value exceeds ten thousand dollars, and no other bequest, devise or distributive share of an estate unless its value exceeds one thousand dollars, shall be subject to the provisions of this part; but no tax shall be exacted upon property so passing which shall reduce its value below the amount of the above exemptions.

Concerning  
certain per-  
sonal estate  
passing in  
succession.  
1907, 563, § 2.

SECTION 2. When the personal estate so passing from any person not an inhabitant of this commonwealth shall consist in whole or in part of shares in any railroad or street railway company or telegraph or telephone company incorporated under the laws of this commonwealth and also of some other state or country, so much only of each share as is proportional to the part of such company's line lying within this commonwealth shall be considered as property of such person within the jurisdiction of the commonwealth for the purposes of this part.

Property of a  
resident not  
subject to  
taxation in  
certain cases.  
1907, 563, § 3.

SECTION 3. Property of a resident of the commonwealth which is not therein at the time of his death shall not be taxable under the provisions of this part if legally subject in another state or country to a tax of like character and amount to that hereby imposed, and if such tax be actually paid or guaranteed or secured in accordance with law in such other state or country; if legally subject in another state or country to a tax of like character but of less amount than that hereby imposed and such tax be actually paid or guaranteed or secured as aforesaid, such property shall be taxable under this part to the extent of the difference between the tax thus actually paid, guaranteed or secured, and the amount for which such property

would otherwise be liable hereunder. Property of a non-resident decedent which is within the jurisdiction of the commonwealth at the time of his death; if subject to a tax of like character with that imposed by this part by the law of the state or country of his residence, shall be subject only to such portion of the tax hereby imposed as may be in excess of such tax imposed by the laws of such state or country: *provided*, that a like exemption is made by the laws of such other state or country in favor of estates of citizens of this commonwealth, but no such exemption shall be allowed until such tax provided for by the law of such other state or country shall be actually paid, guaranteed, or secured in accordance with law. Proviso.

SECTION 4. Except as hereinafter provided, taxes imposed by the provisions of this part shall be payable to the treasurer and receiver general by the executors, administrators or trustees at the expiration of two years after the date of their giving bond; but if legacies or distributive shares are paid within the two years, the taxes thereon shall be payable at the same time. If the probate court, acting under the provisions of section thirteen of chapter one hundred and forty-one of the Revised Laws, has ordered the executor or administrator to retain funds to satisfy a claim of a creditor, the payment of the tax may be suspended by the court to await the disposition of such claim. In all cases where there shall be a grant, devise, descent, or bequest to take effect in possession or come into actual enjoyment after the expiration of one or more life estates or a term of years, the taxes thereon shall be payable by the executors, administrators or trustees in office when such right of possession accrues, or, if there is no such executor, administrator or trustee, by the person or persons so entitled thereto, at the expiration of one year after the date when the right of possession accrues to the person or persons so entitled. If the taxes are not paid when due, interest shall be charged and collected from the time the same became payable. Property of which a decedent died seized or possessed, subject to taxes as aforesaid, in whatever form of investment it may happen to be, and all property acquired in substitution therefor, shall be charged with a lien for all taxes and interest thereon which are or may become due on such property; but said lien shall not affect any personal property after the same

Taxes, when payable.  
1891, 425.  
§§ 2, 4.  
1895, 430, § 1.  
R. L. 15.  
§§ 2, 4.  
1902, 473.  
1903, 276.  
1907, 563, § 4.  
149 Mass. 92.  
162 Mass. 113.  
185 Mass. 439.  
189 Mass. 104.  
[1 Op. A. G.  
76.]

Remainders,  
liens, etc.

has been sold or disposed of for value by the executors, administrators or trustees. The lien charged by this part upon any real estate or separate parcel thereof may be discharged by the payment of all taxes due and to become due upon said real estate or separate parcel, or by an order or decree of the probate court discharging said lien and securing the payment to the commonwealth of the tax due or to become due by bond or deposit as hereinafter provided, or by transferring such lien to other real estate owned by the owner or owners of said real estate or separate parcel thereof.

Deposit in lieu  
of tax.  
1907, 563, § 5.

SECTION 5. In every case where there shall be a bequest or grant of personal estate made or intended to take effect in possession or enjoyment after the death of the grantor, to take effect in possession or come into actual enjoyment after the expiration of one or more life estates or a term of years, whether conditioned upon the happening of a contingency or dependent upon the exercise of a discretion, or subject to a power of appointment or otherwise, the executor or administrator or grantee may deposit with the treasurer and receiver general a sum of money sufficient in the opinion of the tax commissioner to pay all taxes which may become due upon such bequest or grant, and the person or persons having the right to the use or income of such personal estate shall be entitled to receive from the commonwealth interest at the rate of two and one half per cent per annum upon such deposit, and when said tax shall become due the treasurer and receiver general shall repay to the persons entitled thereto the difference between the tax certified and the amount deposited; or any executor, administrator, trustee or grantee, or any person interested in such bequest or grant may give bond to a judge of the probate court having jurisdiction of the estate of the decedent, in such amount and with such sureties as said court may approve, with the condition that the obligor shall notify the tax commissioner when said tax becomes due and shall then pay the same to the treasurer and receiver general.

Tax to be  
assessed upon  
actual value.  
1891, 425, § 13.  
R. L. 15, § 16.  
1902, 473.  
1903, 276.  
1905, 367.  
1907, 563, § 6.  
179 Mass. 546.

SECTION 6. Except as hereinafter provided, said tax shall be assessed upon the actual value of the property at the time of the death of the decedent. In every case where there shall be a devise, descent, bequest or grant to take effect in possession or enjoyment after the expiration of

one or more life estates or a term of years, the tax shall be assessed on the actual value of the property or the interest of the beneficiary therein at the time when he becomes entitled to the same in possession or enjoyment. The value of an annuity or a life interest in any such property, or any interest therein less than an absolute interest, shall be determined by the "Actuaries' Combined Experience Tables" at four per cent compound interest.

SECTION 7. Any person or persons entitled to a future interest or to future interests in any property may pay the tax on account of the same at any time before such tax would be due in accordance with the provisions hereinbefore contained, and in such cases the tax shall be assessed upon the actual value of the interest at the time of the payment of the tax, and such value shall be determined by the tax commissioner as hereinafter provided. In every case in which it is impossible to compute the present value of the future interest the tax commissioner may, with the approval of the attorney-general, effect such settlement of the tax as he shall deem to be for the best interests of the commonwealth, and payment of the sum so agreed upon shall be a full satisfaction of such tax.

Persons entitled to a future interest may pay the tax on account of the same.  
1902, 473.  
1903, 251, 276.  
1904, 421.  
1907, 563, § 7.

SECTION 8. If a testator gives, bequeaths or devises to his executors or trustees any property otherwise liable to said tax, in lieu of their compensation, the value thereof in excess of reasonable compensation, as determined by the probate court upon the application of any interested party or of the tax commissioner, shall nevertheless be subject to the provisions of this part.

Property bequeathed to an executor in lieu of compensation.  
1891, 425, § 3.  
R. L. 15, § 3.  
1907, 563, § 8.

SECTION 9. An executor, administrator or trustee holding property subject to said tax shall deduct the tax therefrom or collect it from the legatee or person entitled to said property; and he shall not deliver property or a specific legacy subject to said tax until he has collected the tax thereon. An executor or administrator shall collect taxes due upon land which is subject to tax under the provisions hereof from the heirs or devisees entitled thereto, and he may be authorized to sell said land, according to the provisions of section twelve, if they refuse or neglect to pay said tax.

Executor holding property subject to tax shall deduct the tax or collect it from the legatee.  
1891, 425, § 5.  
1901, 277.  
R. L. 15, § 5.  
1907, 563, § 9.  
[1 Op. A. G. 30.]

SECTION 10. If a legacy subject to said tax is charged upon or payable out of real estate, the heir or devisee, before paying it, shall deduct said tax therefrom and pay it

Deduction of tax from legacy.  
1891, 425, § 6.  
R. L. 15, § 6.  
1907, 563, § 10.

to the executor, administrator or trustee, and the tax shall remain a lien upon said real estate until it is paid. Payment thereof may be enforced by the executor, administrator or trustee in the same manner as the payment of the legacy itself could be enforced.

No tax chargeable upon legacy in certain cases.  
1907, 563, § 11.

SECTION 11. When provision is made by any will or other instrument for payment of the legacy or succession tax upon any gift thereby made out of any property other than that so given, no tax shall be chargeable upon any money to be applied in payment of such tax.

Sale of real estate for payment of tax.  
1891, 425, § 8.  
R. L. 15, § 8.  
1907, 563, § 12.

SECTION 12. The probate court may authorize executors, administrators and trustees to sell the real estate of a decedent for the payment of said tax in the same manner as it may authorize them to sell real estate for the payment of debts.

Inventory.  
Penalty.  
1891, 425, § 9.  
1895, 430, § 2.  
R. L. 15, § 9.  
1907, 563, § 13.  
[1 Op. A. G.  
30, 40, 52.]  
178 Mass. 95.

SECTION 13. An inventory and appraisal under oath of every estate shall be filed in the probate court or with the tax commissioner by the executor, administrator or trustee within three months after his appointment. If he neglects or refuses to file such inventory and appraisal he shall be liable to a penalty of not more than one thousand dollars, which shall be recovered by the tax commissioner for the use of the commonwealth, and the register of probate shall notify the tax commissioner within thirty days after the expiration of said three months of the failure of any executor, administrator or trustee to file an inventory and appraisal in his office.

Inventory, etc., to be recorded.  
1891, 425, § 10.  
R. L. 15, § 10.  
1907, 563, § 14.  
1908, 268.

SECTION 14. The register of probate shall record the inventory and appraisal of every estate which is filed in his office, and he shall, within thirty days after the same has been filed, send by mail to the tax commissioner such inventory and appraisal or a copy thereof. The register shall also, within the same period, send by mail to the tax commissioner a copy of the will of the decedent, if such has been allowed by the probate court. The register shall also furnish such copies of papers in his office as the tax commissioner shall require, and shall furnish information as to the records and files in his office in such form as the tax commissioner may require. A refusal or neglect by the register so to send such inventory and appraisal or copy thereof, or to furnish such copies or information, shall be a breach of his official bond; but the tax commissioner may excuse the register from filing inventories or copies



of inventories and of wills of estates no part of which, in his judgment, appears to be subject to a tax under the provisions of this part.

SECTION 15. If a foreign executor, administrator or trustee assigns or transfers any stock in any national bank located in this commonwealth or in any corporation organized under the laws of this commonwealth, owned by a deceased non-resident at the date of his death and liable to a tax under the provisions of this part, the tax shall be paid to the treasurer and receiver general at the time of such assignment or transfer; and if it is not paid when due, such executor, administrator or trustee shall be personally liable therefor until it is paid. A bank located in this commonwealth or a corporation organized under the laws of this commonwealth which shall record a transfer of any share of its stock made by a foreign executor, administrator or trustee, or issue a new certificate for a share of its stock at the instance of a foreign executor, administrator or trustee, before all taxes imposed thereon by the provisions of this part have been paid, shall be liable for such tax in an action of contract brought by the treasurer and receiver general.

In cases of assignment or transfer of stock the tax shall be paid to the treasurer and receiver general, etc.  
1900, 371, § 1.  
R. L. 15, § 12.  
1907, 563, § 15.  
173 Mass. 205.

SECTION 16. Securities or assets belonging to the estate of a deceased non-resident shall not be delivered or transferred to a foreign executor, administrator or legal representative of said decedent, unless such executor, administrator or legal representative has been licensed to receive such securities or assets under the provisions of section three of chapter one hundred and forty-eight of the Revised Laws, without serving notice upon the tax commissioner of the time and place of such intended delivery or transfer, seven days at least before the time of such delivery or transfer, but the notice required by section three of said chapter one hundred and forty-eight to be given to the treasurer and receiver general shall be given to the tax commissioner in regard to all property subject to the provisions of this part, instead of being given to the treasurer and receiver general. The tax commissioner, either personally or by representative, may examine such securities or assets at the time of such delivery or transfer. Failure to serve such notice or to allow such examination shall render the person or corporation making the delivery or transfer liable, in an action of contract brought by the

Notice to treasurer and receiver general before transfer of securities.  
1900, 371, § 2.  
R. L. 15, § 13.  
1907, 563, § 16.

treasurer and receiver general, to the payment of the tax due upon said securities or assets.

The tax commissioner to be a party to petitions by foreign executors, etc.  
1900, 371, § 3.  
R. L. 15, § 14.  
1907, 563, § 17.

SECTION 17. The tax commissioner shall be made a party to all petitions by foreign executors, administrators or trustees brought under the provisions of section three of chapter one hundred and forty-eight of the Revised Laws, and no decree shall be made upon any such petition unless it appears that notice of such petition has been served on the tax commissioner fourteen days at least before the return of such petition.

Tax may be refunded in certain cases.  
1891, 425, § 12.  
1892, 379.  
R. L. 15, § 15.  
1907, 563, § 18.

SECTION 18. If a person who has paid such tax afterward refunds a portion of the property on which it was paid, or if it is judicially determined that the whole or any part of such tax ought not to have been paid, such tax, or the due proportion thereof, shall be repaid to him by the executor, administrator or trustee.

Valuation.  
Appraisal.  
1891, 425, § 13.  
R. L. 15, § 16.  
1905, 367.  
1907, 563, § 19.  
179 Mass. 546.

SECTION 19. The value of the property upon which the tax is computed shall be determined by the tax commissioner and notified by him to the person or persons by whom the tax is payable, and such determination shall be final unless the value so determined shall be reduced by proceedings as herein provided. At any time within three months after such determination the probate court shall, upon the application of any party interested in the succession, or of the executor, administrator or trustee, appoint one disinterested appraiser or three disinterested appraisers, who, first being sworn, shall appraise such property at its actual market value, as of the day of the death of the decedent and shall make return thereof to said court. Such return, when accepted by said court, shall be final: *provided*, that any party aggrieved by such appraisal shall have an appeal upon matters of law. One half of the fees of said appraisers, as determined by the judge of said court, shall be paid by the treasurer and receiver general, and one half of said fees shall be paid by the other party or parties to said proceeding.

Proviso.

Tax commissioner shall certify amount of tax due to the treasurer and receiver general.  
1907, 563, § 20.

SECTION 20. The tax commissioner shall determine the amount of tax due and payable upon any estate or upon any part thereof, and shall certify the amount so due and payable to the treasurer and receiver general and to the person or persons by whom the tax is payable; but in the determination of the amount of any tax said tax commissioner shall not be required to consider any payments on

account of debts or expenses of administration which have not been allowed by the probate court having jurisdiction of said estate. Payment of the amount so certified shall be a discharge of the tax. An executor, administrator, trustee or grantee who is aggrieved by any determination of the tax commissioner may, within one year after the payment of any tax to the treasurer and receiver general, apply by a petition in equity to the probate court having jurisdiction of the estate of the decedent for the abatement of said tax or any part thereof, and if the court adjudges that said tax or any part thereof was wrongly exacted it shall order an abatement of such portion of said tax as was assessed without authority of law. Upon a final decision ordering an abatement of any portion of said tax, the treasurer and receiver general shall pay the amount adjudged to have been illegally exacted, with interest, without any further act or resolve making appropriation therefor.

SECTION 21. The probate court having jurisdiction of the settlement of the estate of the decedent shall, subject to appeal as in other cases, hear and determine all questions relative to said tax, and the treasurer and receiver general shall represent the commonwealth in any such proceedings. If the court shall find that any tax remains due, it shall order the executor, administrator or trustee to pay the same, with interest and costs; and execution shall be awarded against the goods and estate of the deceased in the hands of the executor, administrator or trustee, or, if it appears that there are no such goods or estate in his hands, against the goods and estate of the executor, administrator or trustee, as if for his own debt; but the administrators, executors, trustees, and grantees hereinbefore mentioned shall be personally liable only for such taxes as shall be payable while they continue in the said offices or have title as such grantees respectively.

SECTION 22. If, upon the decease of a person leaving an estate liable to a tax under the provisions of this part, a will disposing of such estate is not offered for probate, or an application for administration made within four months after such decease, the probate court, upon application by the tax commissioner, shall appoint an administrator, if it then appears that there is no will in existence.

SECTION 23. No final account of an executor, administrator or trustee shall be allowed by the probate court un-

The probate court to hear and determine all questions, etc.  
1891, 425, § 14.  
R. L. 15, § 17.  
1903, 248.  
1907, 563, § 21.  
[1 Op. A. G. 85.]  
164 Mass. 79.  
171 Mass. 595.  
179 Mass. 546.  
189 Mass. 104.

Application by tax commissioner for administration.  
1891, 425, § 15.  
R. L. 15, § 18.  
1907, 563, § 22.

Payment of tax requisite to allowance of accounts.

1891, 425, § 16.  
R. L. 15, § 19.  
1907, 563, § 23.  
179 Mass. 546.  
189 Mass. 104.

less such account shows, and the judge of said court finds, that all taxes imposed by the provisions of this part upon any property or interest therein belonging to the estate to be settled by said account and already payable, have been paid, and that all taxes which may become due on said estate have been paid or settled as hereinbefore provided, or that the payment thereof to the commonwealth is secured by bond or deposit or by lien on real estate. The certificate of the tax commissioner and the receipt of the treasurer and receiver general for the amount of the tax therein certified shall be conclusive as to the payment of the tax, to the extent of said certification.

The treasurer  
and receiver  
general to  
commence  
proceedings  
for the recovery of unpaid  
taxes, etc.  
1891, 425, § 18.  
R. L. 15, § 20.  
1907, 563, § 24.  
179 Mass. 546.  
189 Mass. 104.  
[1 Op. A. G.  
268.]

SECTION 24. The treasurer and receiver general shall commence proceedings for the recovery of any of said taxes within six months after the same become payable; and also whenever the judge of a probate court certifies to him that the final account of an executor, administrator or trustee has been filed in such court, and that the settlement of the estate is delayed because of the non-payment of said tax. The probate court shall so certify upon the application of any heir, legatee or other person interested therein, and may extend the time of payment of said tax whenever the circumstances of the case require.

Not to apply  
in certain  
cases.  
1907, 563, § 25.

SECTION 25. This part shall not apply to estates of persons deceased prior to the date when chapter five hundred and sixty-three of the acts of the year nineteen hundred and seven took effect, nor to property passing by deed, grant, sale or gift made prior to said date; but said estates and property shall remain subject to the provisions of law in force prior to the passage of said chapter.

Provisions of  
act construed.

SECTION 26. The provisions of this act, so far as they are the same as those of existing statutes, shall be construed as continuations thereof, and not as new enactments, and a reference in a statute which has not been repealed to provisions of law which have been revised and re-enacted herein shall be construed as applying to such provisions as so incorporated in this act; they shall not affect any act done, liability incurred, or any right accrued and established, or any suit or prosecution, civil or criminal, pending or to be instituted, to enforce any right or penalty or punish any offence under the authority of existing laws, but the proceedings in such cases shall conform to the provisions of this act.

SECTION 27. Nothing in this act contained shall be construed as repealing or in any way affecting any other legislation passed in the year nineteen hundred and nine.

*Approved June 12, 1909.*

Not to affect any other legislation of 1909.

AN ACT RELATIVE TO SAVINGS BANKS AND TRUST COMPANIES.

*Chap. 491*

*Be it enacted, etc., as follows:*

SECTION 1. Section three of chapter one hundred and sixteen of the Revised Laws is hereby amended by inserting after the word "shall", in the third line, the words: — use in the name or title under which his or its business is transacted the words "Trust Company" even though said words may be separated in such name or title by one or more other words, or, — so as to read as follows:

R. L. 116, § 3, amended.

— *Section 3.* No person or association and no bank or corporation, except trust companies incorporated as such in this commonwealth, shall use in the name or title under which his or its business is transacted the words "Trust Company" even though said words may be separated in such name or title by one or more other words, or advertise or put forth a sign as a trust company or in any way solicit or receive deposits as such. Whoever violates any provision of this section shall forfeit for each offence one hundred dollars for each day during which such offence continues. But the provisions of this section shall not prohibit an insurance company authorized prior to the first day of October in the year eighteen hundred and ninety-nine to do business in this commonwealth nor a company authorized prior to said date to transact a foreign mortgage business in this commonwealth from using the words "Trust Company" as a part of its corporate name.

Trust companies only may use the words "Trust Company," etc.

SECTION 2. Section four of chapter five hundred and ninety of the acts of the year nineteen hundred and eight is hereby amended by striking out the word "section", in the tenth line, and inserting in place thereof the word: — sections, — and by inserting after the word "three", in the tenth line, the words: — and six, — so as to read as follows: — *Section 4.* The bank commissioner, the treasurer and receiver general and the commissioner of corporations shall constitute a board of bank incorpora-

1908, 590, § 4, amended.

Board of bank incorporation, etc.



tion, which shall exercise the powers and perform the duties conferred or imposed upon them by this act and upon the board of commissioners of savings banks by section two of chapter one hundred and fourteen of the Revised Laws, by section twenty of chapter one hundred and sixteen of the Revised Laws, by chapter three hundred and fifty-five of the acts of the year nineteen hundred and two, and by sections three and six of chapter three hundred and seventy-four of the acts of the year nineteen hundred and four.

1908, 590, § 5,  
amended.

Powers and  
duties of the  
bank commis-  
sioner, etc.

SECTION 3. Section five of said chapter five hundred and ninety is hereby amended by inserting at the beginning thereof the words: — Except as provided in the preceding section, the bank commissioner shall exercise the powers and perform the duties now conferred or imposed by law upon the board of commissioners of savings banks, — so as to read as follows: — *Section 5.* Except as provided in the preceding section, the bank commissioner shall exercise the powers and perform the duties now conferred or imposed by law upon the board of commissioners of savings banks. The commissioner, either personally or by his deputy or examiners, or such others of his assistants as he may designate, shall, at least once in each year, and whenever he considers it expedient, visit each bank. At such visits the person making the examination shall have free access to the vaults, investments, cash, books and papers, and shall thoroughly inspect and examine the affairs of the bank, to ascertain its condition, its ability to fulfill its obligations and whether it has complied with the provisions of law. The commissioner shall preserve a full record of such examinations, including a statement of the condition of every bank so examined. Such records, and information contained in reports of such banks, other than information required by law to be published or to be open to the inspection of the public, shall be open only to the inspection of the commissioner, his deputy, examiners and assistants, and such other officers of the commonwealth as may have occasion and authority to inspect them in the performance of their official duties.

1908, 590,  
§ 16, amended.

SECTION 4. Section sixteen of said chapter five hundred and ninety is hereby amended by adding at the end thereof the words: — Nor shall any person, partnership,

corporation or association except co-operative banks incorporated under the laws of this commonwealth and corporations described in the first sentence of this section hereafter transact business under any name or title which contains the words "bank" or "banking", as descriptive of said business, — so as to read as follows:— *Section 16.* No corporation, either domestic or foreign, and no person, partnership or association except savings banks and trust companies incorporated under the laws of this commonwealth, or such foreign banking corporations as were doing business in this commonwealth and were subject to examination or supervision of the commissioner on June first, nineteen hundred and six, shall hereafter make use of any sign at the place where its business is transacted having thereon any name, or other word or words indicating that such place or office is the place or office of a savings bank. Nor shall such corporation, person, partnership or association make use of or circulate any written or printed or partly written and partly printed paper whatever, having thereon any name, or other word or words, indicating that such business is the business of a savings bank; nor shall any such corporation, person, partnership or association, or any agent of a foreign corporation not having an established place of business in this commonwealth, solicit or receive deposits or transact business in the way or manner of a savings bank, or in such a way or manner as to lead the public to believe, or as in the opinion of the commissioner might lead the public to believe, that its business is that of a savings bank. Nor shall any person, partnership, corporation or association except co-operative banks incorporated under the laws of this commonwealth and corporations described in the first sentence of this section hereafter transact business under any name or title which contains the words "bank" or "banking", as descriptive of said business.

Unauthorized  
banking pro-  
hibited, etc.

SECTION 5. The fourth paragraph of section twenty-five of said chapter five hundred and ninety is hereby amended by inserting after the word "who", in the twelfth line, the words:— upon payment of a fee of five dollars, — so that the paragraph as amended will read as follows:— One of such certificates shall be submitted to said board, and the other, together with the records of the proposed corporation, to the commissioner of corpora-

1908, 590.  
§ 25, amended.

Certificate of  
incorporation,  
etc.

tions, who shall examine the same, and who may require such amendment thereof or such additional information as he may consider necessary. If he finds that the articles conform to the provisions of sections twenty-two, twenty-three and twenty-four, relative to the organization of the corporation, and that the provisions of section twenty-three have been complied with, he shall so certify and endorse his approval thereon. Thereupon the articles shall be filed in the office of the secretary of the commonwealth, who, upon payment of a fee of five dollars, shall cause the same, with the endorsement thereon, to be recorded, and shall thereupon issue a certificate of incorporation in the following form:—

1908, 590, § 40.  
amended.

Lost pass-  
books, etc.

SECTION 6. Said chapter five hundred and ninety is hereby further amended by striking out section forty and inserting in place thereof the following:—*Section 40.* When a pass-book issued by a savings bank, a co-operative bank or the savings department of a trust company has been lost, stolen or destroyed, the person in whose name it was issued, or his legal representative, may make written application to such savings bank, co-operative bank or trust company for payment of the amount of the deposit represented by said book or for the issuance of a duplicate book therefor. Thereupon, with the written consent of the savings bank, co-operative bank or trust company, he may give, or authorize the savings bank, co-operative bank or trust company at his expense to give, public notice of such application by advertising the same at least once a week for three successive weeks in a newspaper published in or nearest to the city or town in which such savings bank, co-operative bank or trust company is situated. If such book shall not be presented to said savings bank, co-operative bank or trust company within three months after the date of the first advertisement, as aforesaid, the savings bank, co-operative bank or trust company shall, upon proof that notice has been given, as herein provided, pay the amount due on said book or issue a duplicate book therefor; and upon such payment or delivery of a new book, all liability of the savings bank, co-operative bank or trust company on account of the original book shall cease.

1908, 590  
§ 46, amended.

SECTION 7. Section forty-six of said chapter five hundred and ninety is hereby amended by inserting after the

word "union", in the ninth line, the words: — or credit union, — so as to read as follows: — *Section 46.* Such corporation may receive on deposit from any person not more than one thousand dollars; and may allow interest upon such deposits, and upon the interest accumulated thereon, until the principal, with the accrued interest, amounts to two thousand dollars; and thereafter upon no greater amount than two thousand dollars; but the provisions of this section shall not apply to deposits by a religious or charitable corporation or labor union, or credit union, or in the name of a judge of probate, or by order of any court, or on account of a sinking fund of a city or town in this commonwealth.

Amount of  
deposits lim-  
ited, etc.

SECTION 8. Section sixty-eight of said chapter five hundred and ninety is hereby amended as follows: — By adding at the end of subdivision *d* of clause *Second* the words: — *provided*, that there is not included within the limits of such water district, either wholly or in part, any city or town the bonds or notes of which are not a legal investment, — so that said subdivision as amended will read as follows: — *d.* In the bonds or notes of any city of Maine, New Hampshire, Vermont, Rhode Island or Connecticut, whose net indebtedness does not exceed five per cent of the last preceding valuation of the property therein for the assessment of taxes; or of any county or town of said states whose net indebtedness does not exceed three per cent of such valuation; or of any incorporated water district of said states which has within its limits more than five thousand inhabitants, and whose bonds or notes are a direct obligation on all the taxable property of such district, and whose net indebtedness does not exceed three per cent of such valuation: *provided*, that there is not included within the limits of such water district, either wholly or in part, any city or town the bonds or notes of which are not a legal investment.

1908, 590,  
§ 68, amended.  
Investments.

Proviso.

In subdivision *b* of clause *Third* by inserting after the word "bonds", in the first line, the words: — or assumed bonds, — and after the word "corporation", in the eighth line, the words: — or by a refunding mortgage as described in paragraphs (3) or (4) of subdivision *g*, — so that said subdivision as amended will read as follows: — *b.* In the bonds or assumed bonds of a railroad corporation incorporated in any of the New England states, at

Investments.

## Provisos.

least one half of the railroad of which is located in said states, whether such corporation is in possession of and is operating its own road or is leased to another railroad corporation: *provided*, either that such bonds shall be secured by a first mortgage of the whole or a part of the railroad and railroad property of such corporation, or by a refunding mortgage as described in paragraphs (3) or (4) of subdivision *g*, or that if the railroad and railroad property of such corporation are unincumbered by mortgage such bonds shall be issued under the authority of one of said states which provides by law that no such railroad corporation which has issued bonds shall subsequently execute a mortgage upon its road, equipment and franchise or upon any of its real or personal property, without including in and securing by such mortgage all bonds previously issued and all its pre-existing debts and liabilities, which provision, so enacted in such state, shall have been accepted by the stockholders of such corporation; and *provided*, that such corporation has paid in dividends in cash an amount equal to not less than four per cent per annum on all its outstanding issues of capital stock in each fiscal year for the five years next preceding such investment;

## Investments.

In subdivision *c* of clause *Third* by inserting after the word "bonds", in the first line, the words:—or assumed first mortgage bonds or in the bonds secured by a refunding mortgage as described in paragraphs (3) or (4) of subdivision *g*.—and by striking out the words "or assumed", in the fifth line, so that said subdivision as amended will read as follows:—*c*. In the first mortgage bonds or assumed first mortgage bonds or in the bonds secured by a refunding mortgage as described in paragraphs (3) or (4) of subdivision *g*, of a railroad corporation incorporated in any of the New England states, the railroad of which is located wholly or in part therein, which have been guaranteed as to principal and interest by a railroad corporation described in subdivisions *a* or *b* which is in possession of and is operating its own road;

Certain bonds  
not a legal  
investment.

By striking out subdivision *d* of clause *Third* and inserting in place thereof the following:—*d*. No bond shall be made a legal investment by subdivision *b* unless the corporation which issued or assumed such bond has, during its fiscal year next preceding the date of such invest-



ment, paid in dividends on its capital stock an amount equal to one third of the total amount of interest paid on all its direct and assumed funded indebtedness.

No bond shall be made a legal investment by subdivision c unless the corporation which guaranteed such bond has, during its fiscal year next preceding such investment, paid in dividends on its capital stock an amount equal to one third of the total amount of interest paid on all its direct, assumed and guaranteed funded indebtedness.

Same subject.

By adding at the end of paragraph (3) of subdivision g of clause *Third* the words: — But if any of the bonds which said refunding mortgage is given to refund are secured on a railroad not owned in fee by the corporation executing said refunding mortgage, there shall be conveyed and assigned to the trustee of said refunding mortgage either

Certain bonds to be assigned to the trustee of the refunding mortgage, etc.

At least seventy-five per cent of the railroad on which each issue of bonds to be refunded is secured, free from any mortgage lien except that of the mortgage or mortgages securing the bonds to be refunded, or

At least seventy-five per cent of the outstanding bonds of each issue which is secured by a mortgage lien upon such railroad; and all of said railroad not owned in fee which is so subjected to the lien of said refunding mortgage shall be the railroad of one or more railroad corporations which are owned and operated, controlled and operated, or leased and operated by the corporation issuing or assuming said refunding mortgage bonds;

But in no case shall the bonds secured by said refunding mortgage become a legal investment unless they mature at a later date than any bonds which said refunding mortgage is given to refund, nor unless the total mileage subjected to the lien of said refunding mortgage in accordance with the requirements of this paragraph is at least twenty-five per cent greater than the mileage covered by any one of the mortgages securing bonds which said refunding mortgage is given to refund, — so that said paragraph as amended will read as follows: — (3) A refunding mortgage which covers at least seventy-five per cent of the railroad owned in fee by said corporation at the date of said mortgage and provides for the retirement of all outstanding mortgage debts which are a prior lien upon said railroad owned in fee and covered by said refunding

Investments.

mortgage at the date thereof; but if any of the bonds which said refunding mortgage is given to refund are secured on a railroad not owned in fee by the corporation executing said refunding mortgage, there shall be conveyed and assigned to the trustee of said refunding mortgage either

At least seventy-five per cent of the railroad on which each issue of bonds to be refunded is secured, free from any mortgage lien except that of the mortgage or mortgages securing the bonds to be refunded, or

At least seventy-five per cent of the outstanding bonds of each issue which is secured by a mortgage lien upon such railroad; and all of said railroad not owned in fee which is so subjected to the lien of said refunding mortgage shall be the railroad of one or more railroad corporations which are owned and operated, controlled and operated, or leased and operated by the corporation issuing or assuming said refunding mortgage bonds;

But in no case shall the bonds secured by said refunding mortgage become a legal investment unless they mature at a later date than any bonds which said refunding mortgage is given to refund, nor unless the total mileage subjected to the lien of said refunding mortgage in accordance with the requirements of this paragraph is at least twenty-five per cent greater than the mileage covered by any one of the mortgages securing bonds which said refunding mortgage is given to refund;

Investments.

In subdivision *j* of clause *Third* by inserting after the word “which”, in the first line, the words:—during each of its ten fiscal years next preceding the date of such investment,—so that said subdivision as amended will read as follows:—*j*. First mortgage bonds of a railroad corporation which during each of its ten fiscal years next preceding the date of such investment has complied with all the requirements of paragraphs (2), (3) and (4) of subdivision *e*, provided that said bonds are guaranteed by endorsement as to both principal and interest by a railroad corporation which has complied with all the requirements of subdivision *e* preceding paragraph (5), notwithstanding that the railroad of said issuing corporation is not operated by said guaranteeing corporation.

Investments.

In clause *Eighth* by adding at the end of the first paragraph the words:—but said limitations, except as to time

in which said loans shall be paid or renewed, shall not apply to loans made under the provisions of paragraph (2) of subdivision *e* of this clause, — so that said paragraph as amended will read as follows:— *Eighth.* In loans of the classes hereafter described, payable and to be paid or renewed at a time not exceeding one year from the date thereof; but not more than one third of the deposits and income shall so be invested, nor shall the total liabilities to such corporation of a person, partnership, association or corporation for money borrowed upon personal security, including in the liabilities of a partnership or company not incorporated the liabilities of the several members thereof, exceed five per cent of such deposits and income; but said limitations, except as to time in which said loans shall be paid or renewed, shall not apply to loans made under the provisions of paragraph (2) of subdivision *e* of this clause.

In subdivision *b* of clause *Eighth* by inserting after the word “delivered”, in the twentieth and twenty-first lines, the words:— by the borrowing corporation or association, — and by inserting after the word “delivered”, in the twenty-second line, the words:— by the accountant, — so that said subdivision as amended will read as follows:— *b.* A note, with one or more substantial sureties or endorsers: (1) Of a corporation incorporated in this commonwealth; or (2) Of a manufacturing corporation with a commission house as surety or endorser, provided that such commission house is incorporated in this commonwealth, or has an established place of business and a partner resident therein; or (3) Of an association or corporation at least one half of the real and personal property of which is located within the New England states, provided that at least one such surety or endorser shall be a citizen of or corporation incorporated in this commonwealth: *provided*, that no such loan shall be made or renewed unless within eighteen months next preceding the making or renewing of such loan an examination of the affairs, assets and liabilities of the borrowing corporation or association has been made, at the expense of such borrowing corporation or association, by an accountant approved by the commissioner. The report of such examination shall be made in such form as the commissioner may prescribe. A copy of the report certified to by the

Investments.

Proviso.

accountant shall be delivered by the borrowing corporation or association to the savings bank before such loan or a renewal thereof is made, and a copy so certified shall be delivered by the accountant to the commissioner within thirty days after the completion of said examination.

Investments.

In subdivision *c* of clause *Eighth* by adding at the end thereof the words:— and *provided*, that the gross earnings of said corporation in the fiscal year next preceding the making or renewing of such loan have been not less than one hundred thousand dollars,— so that said subdivision as amended will read as follows:— *c.* A bond or note of a gas, electric light, telephone or street railway corporation incorporated or doing business in this commonwealth and subject to the control and supervision thereof: *provided*, that the net earnings of said corporation, after payment of all operating expenses, taxes and interest, as reported to, and according to the requirements of, the proper authorities of the commonwealth, have been in each of the three fiscal years next preceding the making or renewing of such loan equal to not less than four per cent on all its capital stock outstanding in each of said years; and *provided*, that the gross earnings of said corporation in the fiscal year next preceding the making or renewing of such loan have been not less than one hundred thousand dollars.

Provisos.

Investments.

In subdivision *d* of clause *Eighth* by striking out the word “of”, in the first line of the first paragraph, and inserting in place thereof the words:— issued, assumed, or guaranteed by endorsement as to both principal and interest, by,— so that said paragraph as amended will read as follows:— *d.* A bond or note issued, assumed, or guaranteed by endorsement as to both principal and interest, by a railroad corporation which complies with all the requirements of subdivision *b*, or of subdivision *c* preceding paragraph (5) of clause *Third*: *provided*, that the principal of such bond or note described in either this or the preceding subdivision is payable at a time not exceeding one year after the date of investment therein.

Proviso.

Investments.

By striking out paragraph (1) of subdivision *e* of clause *Eighth* and inserting in place thereof the following:— (1) One or more first mortgages of real estate situated in this commonwealth: *provided*, that the amount of such note is not in excess of sixty per cent, or in the case of unimproved or unproductive real estate in excess

Proviso.

of forty per cent, of the value of the property or properties mortgaged; that the value of each of said properties has been certified in accordance with the provisions of clause *First*; and that the assignment of each of said mortgages has been recorded in the proper registry of deeds.

SECTION 9. No bonds or notes which have become legal investments under the provisions of subdivision *d* of clause *Second*, or of paragraph (3) of subdivision *g* of clause *Third* of section sixty-eight of said chapter five hundred and ninety shall be rendered illegal by the provisions of this act relative thereto.

*Approved June 12, 1909.*

Legality of  
certain in-  
vestments.

AN ACT RELATIVE TO LISTS OF POLL TAX PAYERS IN TOWNS  
NOT DIVIDED INTO VOTING PRECINCTS.

*Chap.492*

*Be it enacted, etc., as follows:*

SECTION 1. In towns not divided into voting precincts, lists of poll tax payers prepared by the assessors may be arranged alphabetically according to the names of the persons on the list, or by streets.

Lists of poll  
tax payers in  
certain towns.

SECTION 2. This act shall take effect upon its passage.

*Approved June 15, 1909.*

AN ACT MAKING AN ADDITIONAL APPROPRIATION FOR THE  
MAINTENANCE OF STATE HIGHWAYS.

*Chap.493*

*Be it enacted, etc., as follows:*

SECTION 1. A sum not exceeding one hundred thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance of state highways during the present year, the same to be in addition to the amount authorized by chapter one hundred and twenty-seven of the acts of the present year.

Appropriation  
for state  
highways.

SECTION 2. This act shall take effect upon its passage.

*Approved June 15, 1909.*

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A THIRD  
ASSISTANT REGISTER OF PROBATE AND INSOLVENCY FOR  
THE COUNTY OF MIDDLESEX.

*Chap.494*

*Be it enacted, etc., as follows:*

SECTION 1. The judges of probate and insolvency for the county of Middlesex may appoint a third assistant

Third assistant  
register of  
probate, etc.,



Middlesex  
county.

register of probate and insolvency for said county, who may be a woman, who shall hold office for three years unless sooner removed by the judges. Said third assistant register shall receive an annual salary of fifteen hundred dollars, to be paid from the treasury of the commonwealth, but in all other respects shall be subject to the provisions of the Revised Laws and of all acts in amendment thereof or in addition thereto relative to assistant registers of probate and insolvency. The signing of the name of said third assistant register, followed by the designation, assistant register, shall be a sufficient official signature.

SECTION 2. This act shall take effect upon its passage.

*Approved June 15, 1909.*

**Chap.495** AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE INDUSTRIAL SCHOOL FOR BOYS.

*Be it enacted, etc., as follows:*

Industrial  
school for  
boys.

SECTION 1. A sum not exceeding twenty-two thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance of the industrial school for boys provided for by chapter six hundred and thirty-nine of the acts of the year nineteen hundred and eight; but no part of the sum hereby appropriated shall be available until the school is declared by the governor to be open and ready for occupancy, as provided for by section three of said chapter.

SECTION 2. This act shall take effect upon its passage.

*Approved June 15, 1909.*

**Chap.496** AN ACT TO ESTABLISH AN ELECTRIC LIGHT DISTRICT IN THE TOWN OF ERVING.

*Be it enacted, etc., as follows:*

Erving Elec-  
tric Light  
District es-  
tablished.

SECTION 1. The inhabitants of that part of the town of Erving which is bounded as follows:—Beginning on the east side of a brook on Miller's river at land formerly of R. A. Gunn, and thence running northerly on said brook, and continuing northerly on the line between precinct number one and precinct number two of said town to a monument at the boundary line between the towns of Northfield and Erving; thence northeasterly on the

boundary line between said towns of Northfield and Erving to a monument at the junction of the boundary lines of the towns of Northfield, Warwick and Erving; thence southeasterly on the boundary line between said towns of Warwick and Erving to a monument at the boundary line between the towns of Warwick and Orange; thence in the same direction on the boundary line between said towns of Orange and Erving to Miller's river; thence westerly on said river to the place of beginning, — are hereby made a body corporate and constituted a district, to be known as the Erving Electric Light District, for the purpose of supplying electricity to said district and said town and to the respective inhabitants thereof for light, heat or power, except for the operation of electric cars, and except within the territory of the Miller's Falls Water Supply District; and for said purpose said district shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities of a town duly authorized to acquire and maintain a plant for the distribution of electricity under the provisions of chapter thirty-four of the Revised Laws and of all acts now or hereafter in force relative thereto, so far as the same are applicable to said district and not inconsistent with the provisions of this act.

Erving Electric  
Light District  
established.

SECTION 2. Said district shall not acquire a plant for the distribution of electricity until the district has been so authorized by a vote of two thirds of the legal voters thereof taken by ballot with the use of the voting list at each of two meetings of said voters, called for the purpose, and held at intervals of not less than two months within two years after the passage of this act.

The district  
to vote on  
the question  
of a plant for  
the distribu-  
tion of elec-  
tricity.

SECTION 3. The first meeting prescribed by the preceding section shall be called on petition of not less than seven freeholders, inhabitants of the district, by a warrant from the selectmen of the town of Erving, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in at least six public places in the district, not less than seven days prior to the meeting, or by publishing the same in a newspaper, if there be any, published in the town of Erving. The warrant shall specify that the object of the meeting is to consider the expediency of acquiring a plant for the distribution of

First meeting.

electricity under the authority of this act. One of the selectmen, or the justice of the peace calling the meeting, shall preside at the same until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. The clerk and the moderator shall be elected by ballot. The second meeting prescribed by the preceding section shall be called by said clerk and notice of the meeting shall be given in the manner hereinbefore described for notifying said first meeting.

May operate lines for the transmission of electricity, etc.

SECTION 4. Said district may, subject to all general laws and to the by-laws and regulations of the town of Erving relating thereto, erect, maintain and operate lines for the transmission of electricity for light, heat or power in, under, upon and along the public ways of said town, both within and without the territorial limits of said district, except within the territory of the Miller's Falls Water Supply District.

May issue bonds, notes, etc.

SECTION 5. If said district shall vote, as hereinbefore provided, to acquire a plant for the distribution of electricity, the district may, for the purposes set forth in section seven of chapter thirty-four of the Revised Laws and in all acts in amendment thereof and in addition thereto, issue bonds, notes or scrip upon the votes and subject to the limitations provided therein and in section eight of said chapter. The whole amount of bonds, notes and scrip so issued shall not exceed five per cent of the valuation of said district according to the last preceding valuation thereof by the assessors of the town of Erving. The said securities shall be signed by the treasurer and countersigned by a majority of the electric light commissioners of the district, and the same provision shall be made for the payment of the debt so created as for a debt created by a town for like purposes.

The property of the district to be taxed annually for certain expenses, etc.

SECTION 6. Said district shall annually raise by taxation levied upon the taxable property of the district, the excess of the expense of its electric light plant over the estimated income from sales of electricity to private consumers and to the town of Erving for municipal uses beyond the territorial limits of said district; and said expense and income shall be defined and estimated as provided in section four of chapter four hundred and ten of the acts of the year nineteen hundred and five, and in acts in amendment thereof and in addition thereto. No

bonds, notes or scrip shall be issued for the annual expense of the plant as thus defined, but said district may, by ordinary vote, incur debts for temporary loans in anticipation of the taxes and receipts of the municipal year in which such debts are incurred, provided that such loans are expressly made payable from such taxes and receipts.

SECTION 7. The clerk of the district shall certify to the assessors of the town of Erving all votes of the district authorizing interest to be added to taxes and all sums of money voted to be raised, which, together with all amounts required by law to be raised by taxation by said district, shall be assessed and collected upon the property, real and personal, within the district in the same manner as town taxes and shall be paid over to the treasurer of the district. The assessors, treasurer and collector of the town of Erving shall have the powers and perform the duties relative to the assessment and collection thereof which they have and perform relative to the assessment, collection and abatement of town taxes.

Assessment  
and collection  
of taxes, etc.

SECTION 8. If said district shall vote to acquire a plant for the distribution of electricity as hereinbefore provided, it shall at the second meeting prescribed by section two, or at a subsequent meeting called for the purpose, choose by ballot three citizens of the district to constitute a board of electric light commissioners, to hold office one for one year, one for two years and one for three years from the next succeeding annual meeting of the district, and thereafter at each annual meeting one for a term of three years, and until their successors are chosen and qualified; and said board of electric light commissioners shall have the powers and authority and perform the duties provided by law for the selectmen or municipal light board of a town which has acquired an electric light plant. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said district at a meeting called for the purpose. If the district shall establish a sinking fund for the extinguishment of a debt created by the district, said board shall act as the commissioners thereof.

Board of  
electric light  
commis-  
sioners, elec-  
tion, etc.

SECTION 9. The clerk chosen at the first meeting of the district, as hereinbefore provided, shall hold office until one year after the next succeeding annual meeting of the district and until his successor is chosen and quali-

Clerk, etc.

fied. He may be removed by the district, and in case of a vacancy another may be chosen; or in such case and in case of his disability, the board of electric light commissioners may appoint a clerk pro tempore, who shall be sworn and shall perform the duties of clerk until the vacancy is filled or the disability is removed. The clerk shall perform the duties imposed by sections four and five and be subject to the penalty imposed by section six of chapter thirty-four of the Revised Laws upon the clerk of a town which has voted to acquire a municipal light plant.

Treasurer, etc.

SECTION 10. Said district shall choose a treasurer who shall give bond for the faithful performance of his official duties in a sum and with sureties approved by the board of electric light commissioners but at the expense of the district. He shall receive all moneys belonging to the district, and shall pay over and account for the same according to its order or the order of said board. If the treasurer is prevented from performing his official duties or if his office is vacant, said board may appoint a treasurer pro tempore who shall give bond in like manner as the treasurer, and shall hold office until another is chosen.

District meetings.

SECTION 11. Meetings of the district shall be called by the clerk when so requested in writing by the board of electric light commissioners or by seven voters of the district, and he shall give notice of the same by posting written notices, briefly stating the purpose thereof, in at least six public places in the district, not less than seven days prior to the meeting, or by publishing the same in a newspaper, if there be any, published in the town of Erving. At each meeting a moderator shall be chosen, who shall have the powers of the moderator of a town meeting. The clerk shall preside until a moderator is chosen. The district shall hold its annual meeting at such time within the months of February, March or April, as it may by by-law prescribe, but its fiscal year shall be the same as the fiscal year of the town of Erving.

Lists of persons qualified to vote to be posted.

SECTION 12. The registrars of voters of the town of Erving shall, at least ten days before the annual meeting of the district and at least seven days before the meetings prescribed in section two of this act, make correct alphabetical lists of all persons qualified to vote in such meetings; shall cause such lists to be posted in two or more



public places in said district; and shall correct said lists in the same manner in which they are required by law to correct voting lists for town elections.

SECTION 13. Said district may adopt by-laws, rules and regulations for the management of the district not inconsistent with this act or with the laws of the commonwealth, and may provide and choose such other officers not herein mentioned as it may deem necessary and proper. But no by-law, rule or regulations which impose a penalty shall be in force until approved by the attorney-general and published at least three times in one or more newspapers published in the town, if there be any, otherwise in one or more newspapers published in the county of Franklin.

By-laws, etc.

SECTION 14. Said district may purchase electricity for the purposes herein authorized from any person, corporation or municipality authorized by law to sell the same.

May purchase electricity.

SECTION 15. This act shall take effect upon its passage but shall become void unless said district, in accordance with the provisions of sections two and three, shall have been authorized within two years after the passage of this act to acquire a plant for the distribution of electricity.

When to take effect.

*Approved June 15, 1909.*

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AN ACT RELATIVE TO THE CARE OF CERTAIN CHILDREN  
AT THE MASSACHUSETTS HOSPITAL SCHOOL. *Chap. 497*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter four hundred and forty-six of the acts of the year nineteen hundred and four is hereby amended by striking out section nine and inserting in place thereof the following:—*Section 9.* The trustees may, upon the written application of any child entitled to receive the benefit of said school, or upon such an application made by a parent, guardian, or person having the legal custody of the child, or by any state or municipal board or official having such custody, admit such child to said school, subject to such rules and regulations as the trustees may prescribe, and the trustees may at their discretion discharge such child from the school. The charges for the support of the children of the school who are of sufficient ability to pay for the same, or have persons or kindred bound by law to maintain them, shall be paid

1904, 446, § 9, amended.

Children who may be admitted to the hospital school.

Payment of charges for support of children, etc.

Payment of  
charges for  
support of  
children, etc.

by such children, such persons or such kindred at a rate to be determined by the trustees of the school. The board of such children as have a legal settlement in some city or town shall be paid by such city or town at a rate not exceeding four dollars a week, notice of the reception of the children by the trustees being given by them to the overseers of the poor of the city or town of settlement as soon as is practicable; and the tuition and board of those having no such settlement shall be paid by the commonwealth. The trustees may in their discretion receive other children who have no means to pay for tuition and support, and the tuition and board of all such children shall be paid from the treasury of the commonwealth. The attorney-general and district attorneys shall upon request bring action to recover said charges in the name of the treasurer and receiver general. Such charges as are paid by the commonwealth, or by any city or town, shall not be deemed to have been paid as state or pauper aid, and no person shall be deemed to be a pauper in consequence of his inability to pay for the support of a child in said school. The admission of a child as aforesaid to the school shall be deemed a commitment of the child to the care and custody of the commonwealth, and the trustees, with the approval of the state board of charity, may in their discretion detain the child at said school during its school age, or for such longer period during its minority as in the opinion of the trustees will tend to promote the education and welfare of the child.

SECTION 2. This act shall take effect upon its passage.  
*Approved June 15, 1909.*

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**Chap. 498** AN ACT TO PROVIDE FOR THE REPAIR OF BREAKWATERS  
AND SEA WALLS IN THE TOWN OF SCITUATE.

*Be it enacted, etc., as follows:*

Repair of  
breakwaters,  
etc., in the  
town of  
Scituate.

SECTION 1. The board of harbor and land commissioners is hereby authorized to repair the breakwaters or sea walls already constructed in the town of Scituate, or to make such connections between the same as in its judgment may be necessary, at an expense not exceeding fifteen hundred dollars.

Land and  
materials  
may be  
taken, etc.

SECTION 2. Said board may take, or acquire by purchase or otherwise, in the name and behalf of the common-

wealth, any land or materials necessary for carrying out the provisions of this act. The manner of such taking and of determining the damages caused thereby, or by any doings of said board under the provisions of this act, shall be the same as is specified in sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, relative to the taking of land by the metropolitan park commission; and said board shall, for the purposes of this act, have the same powers which are conferred upon the metropolitan park commission by said sections. The damages when finally determined shall be paid from the treasury of the commonwealth to the person or persons entitled thereto.

SECTION 3. No contract made under authority of this act shall be valid until approved in writing by the governor and council. Approval of contract.

SECTION 4. This act shall take effect upon its passage.  
*Approved June 16, 1909.*

AN ACT TO PROVIDE FURTHER FOR IMPROVING THE MOUTH OF HERRING RIVER IN THE TOWN OF HARWICH. Chap. 499

*Be it enacted, etc., as follows:*

SECTION 1. The board of harbor and land commissioners is hereby authorized to dredge the mouth of Herring river, in the town of Harwich, and the approaches thereto from Vineyard Sound, and to extend the jetty or jetties therein, and otherwise to improve the same. For this purpose the board may expend a sum not exceeding ten thousand dollars. Improving the mouth of Herring river in the town of Harwich.

SECTION 2. The said board may take, or acquire by purchase or otherwise, in the name and behalf of the commonwealth, any land or materials necessary for carrying out the provisions of this act. The manner of such taking and of determining the damages caused thereby, or by any other doings of said board under the provisions of this act, shall be the same as is provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three relative to the taking of land by the metropolitan park commission, and for the purposes of this act the said board shall have all the powers conferred upon the metropolitan park commis- Land and materials, may be taken, etc.

sioners by said sections. The damages when finally determined shall be paid out of the sum hereby appropriated.

SECTION 3. This act shall take effect upon its passage.

*Approved June 16, 1909.*

**Chap.500** AN ACT TO PROVIDE FOR EXTENDING THE STONE BREAK-  
WATER IN VINEYARD HAVEN HARBOR.

*Be it enacted, etc., as follows:*

Extending  
the break-  
water in  
Vineyard  
Haven harbor.

SECTION 1. The board of harbor and land commissioners is hereby directed to extend the stone breakwater built under the provisions of chapter four hundred and forty-two of the acts of the year nineteen hundred and five and chapter five hundred and twenty-six of the acts of the year nineteen hundred and eight, in the location and in the manner described in the report of said board for the year nineteen hundred and four, and also, if, in its opinion, it is advisable, to build on the shore of Vineyard Haven harbor opposite the westerly end of said breakwater such jetties as may be necessary to protect the shore and the entrance to the anchorage basin around the western end of said breakwater. For the above described purposes, the board may expend a sum not exceeding ten thousand dollars.

Amount to be  
expended.

SECTION 2. This act shall take effect upon its passage.

*Approved June 16, 1909.*

**Chap.501** AN ACT RELATIVE TO LYNN HARBOR.

*Be it enacted, etc., as follows:*

Examination  
of Lynn  
harbor, etc.

SECTION 1. The board of harbor and land commissioners is hereby authorized and directed to examine Lynn harbor, the approaches thereto, the channels therein and the flats and foreshore thereof, to make such additional surveys as in its judgment may be necessary, and especially to examine any plans, details and projects for the development of said harbor which may be submitted to the board by the city of Lynn, and to report on the foregoing to the general court on or before January tenth, nineteen hundred and ten.

Report to be  
made and  
plans sub-  
mitted, etc.

SECTION 2. Said board may report in such detail as it deems necessary some method of improving said harbor, together with plans thereof showing the flats of the com-

monwealth and lands inside and outside the harbor commissioners' line necessary therefor; and it shall report a draft of a bill authorizing the licensing and use of the tide lands of the commonwealth for the purpose of development by the city of Lynn, with provisions for taking the lands of the shore owners by right of eminent domain, if necessary, and the appointment of a commission to perform and administer the work.

SECTION 3. Said board may expend for the above purpose a sum not exceeding one thousand dollars.

Amount to be expended.

SECTION 4. This act shall take effect upon its passage.

*Approved June 16, 1909.*

AN ACT RELATIVE TO RETURNS TO THE BOARD OF RAILROAD COMMISSIONERS.

*Chap. 502*

*Be it enacted, etc., as follows:*

SECTION 1. The annual returns now required by law to be made to the board of railroad commissioners shall be returns for the year ending on the thirtieth day of June, and shall be transmitted to said board on or before the thirtieth day of the following September, upon blank forms of return to be furnished by the board on or before the first day of June in each year. The time within which all returns are required by law to be made to the board may be extended by the board to such date subsequent thereto as it may, for good cause shown, fix in any case.

Returns to the board of railroad commissioners.

SECTION 2. The return required by the preceding section to be filed for the period ending on the thirtieth day of June, in the year nineteen hundred and ten, shall cover the doings of street railway companies and every person, firm, association or corporation doing an express business upon either a railroad or railway in this commonwealth for the preceding nine months only, and said period of nine months shall be deemed, under the provisions of section sixty-eight of chapter five hundred and ninety of the acts of the year nineteen hundred and eight, subdivision Fifth, relative to the investment of deposits, and the income derived therefrom, of savings banks in the bonds of street railway companies, as one of the five years therein referred to, but the requirement that dividends equal to at least five per cent upon all the outstanding capital stock of a street railway company shall have been

Returns to cover the doings of street railway companies, etc.



earned and paid in cash in each of said five years, shall not apply to said period of nine months; and any street railway company which shall have earned and paid in dividends in cash an amount equal to five per cent upon all its outstanding capital stock in each of the five preceding years, with the exception of said nine months period, shall be included in the list to be certified and transmitted by the board. The list required by the provisions of said section sixty-eight to be certified and transmitted to the bank commissioner shall, after the passage hereof, be so certified and transmitted on or before the fifteenth day of December in each year.

1906, 463,  
§ 125, Part  
III., amended.

SECTION 3. Section one hundred and twenty-five of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended by striking out the word "May", in the fourth and eighth lines, respectively, and inserting in each instance, in place thereof the word:—April,—by striking out in the seventeenth and twenty-third lines, the word "September", and inserting in place thereof the word:—June,—and by inserting after the word "year", in the twenty-fourth line, the words:—ending on the thirtieth day of September prior to September thirtieth, nineteen hundred and ten, and during each year ending on the thirtieth day of June beginning with the year ending on the thirtieth day of June, nineteen hundred and eleven,—and by adding at the end of said section the words:—and the amount of such dividends paid during the nine months ending on the thirtieth day of June, nineteen hundred and ten,—so that said section as amended will read as follows:—*Section 125.* Every street railway company organized under general or special laws of the commonwealth, in addition to all returns required by its charter, shall annually, between the first and tenth days of April, return to the tax commissioner, under the oath of its treasurer, the amount of the capital stock of the company, its place of business and the par value and market value of the shares made up as of said first day of April. It shall also contain a statement in detail of the works, structures, real estate and machinery owned by said company and subject to local taxation within the commonwealth, and of the location and value thereof. A street railway company, whether chartered or organized

Annual returns to the tax commissioner.

in this commonwealth or elsewhere, shall also state in its return the whole length of its line, and so much of the length of its line as is without the commonwealth; also the length of track operated by it in each city and town on the thirtieth day of June preceding the return, to be determined by measuring as single track the total length of all tracks operated by it including sidings and turn-outs whether owned or leased by it or over which it has trackage rights only; and the amount of dividends paid on its capital stock during the year ending on such preceding thirtieth day of June and during each year ending on the thirtieth day of September prior to September thirtieth, nineteen hundred and ten, and during each year ending on the thirtieth day of June beginning with the year ending on the thirtieth day of June, nineteen hundred and eleven, from the organization of the company, and the amount of such dividends paid during the nine months ending on the thirtieth day of June, nineteen hundred and ten.

SECTION 4. Section one hundred and thirty of Part III of said chapter four hundred and sixty-three is hereby amended by inserting after the word “during”, in the fifth line, the words:—the nine months ending on the thirtieth day of June in the year nineteen hundred and ten or during,—and by striking out in the sixth line, the word “September”, and inserting in place thereof the words:—June in the year nineteen hundred and eleven or in any subsequent year,—so that said section as amended will read as follows:—*Section 130.* If an operating street railway company, including a company whose lines are located partly within and partly without the limits of the commonwealth, whether chartered or organized under the laws of this commonwealth or elsewhere, has paid during the nine months ending on the thirtieth day of June in the year nineteen hundred and ten or during the year ending on the thirtieth day of June in the year nineteen hundred and eleven or in any subsequent year preceding the date of the return required by section one hundred and twenty-five dividends exceeding in the aggregate eight per cent upon its capital stock, it shall for every such year, in addition to the tax required by section one hundred and twenty-eight, pay a tax equal to the amount of such excess to be determined

1906, 463,  
§ 130, Part  
III., amended.

Additional  
corporate  
franchise tax.

as therein provided by the tax commissioner; but such additional tax shall not be imposed, if, from the date when the company commenced to operate its railway, it has not paid dividends equivalent in the aggregate to at least six per cent per annum upon its capital stock from year to year.

When to take effect.

SECTION 5. This act shall take effect on the first day of January in the year nineteen hundred and ten.

*Approved June 16, 1909.*

*Chap.503* AN ACT MAKING AN APPROPRIATION FOR THE NEW SANATORIUMS FOR TUBERCULAR PATIENTS.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance during the present year of certain sanatoriums provided for by chapter four hundred and seventy-four of the acts of the year nineteen hundred and seven, to wit:—

North Reading sanatorium.

Proviso.

For the maintenance of the sanatorium in process of erection at North Reading, a sum not exceeding twenty thousand dollars: *provided, however,* that no portion of the sum herein appropriated shall be available until said sanatorium is declared open and ready for occupancy, as provided for by section seven of chapter four hundred and seventy-four of the acts of the year nineteen hundred and seven.

Lakeville sanatorium.

Proviso.

For the maintenance of the sanatorium in process of erection at Lakeville, a sum not exceeding ten thousand dollars: *provided, however,* that no portion of the sum herein appropriated shall be available until said sanatorium shall be declared open and ready for occupancy, as provided for by section seven of chapter four hundred and seventy-four of the acts of the year nineteen hundred and seven.

SECTION 2. This act shall take effect upon its passage.

*Approved June 16, 1909.*

AN ACT TO REVISE AND CODIFY THE LAWS RELATING TO *Chap. 504*  
INSANE PERSONS.

*Be it enacted, etc., as follows:*

CARE AND CONTROL OF THE INSANE, FEEBLE-MINDED,  
EPILEPTIC, ETC. — SECTION 1.

SECTION 1. The commonwealth shall have the care, control and treatment of all insane, feeble-minded and epileptic persons, and of persons addicted to the intemperate use of narcotics or stimulants, the care of whom is vested in the commonwealth by the provisions of law in force on the date of the passage of this act, or of any such person who shall thereafter be received into any institution or receptacle owned or maintained by the commonwealth for the care of such persons. No county, city or town shall establish or maintain any such institution or receptacle, or be liable for the board, care, treatment or act of any inmate thereof.

Care of the insane, feeble-minded, epileptic, etc. 1900, 451. R. L. 87, §§ 6, 109. 1903, 321. 1908, 613, 629.

STATE BOARD OF INSANITY. — SECTIONS 2-13.

SECTION 2. There shall be a state board of insanity consisting of five persons, at least two of whom shall be experts in insanity. One member shall annually be appointed by the governor, with the advice and consent of the council, for a term of five years, and any member may for cause be removed in like manner. The members of the board shall receive no compensation, but they shall be paid the necessary expenses actually incurred by them in the performance of their official duties.

State board of insanity. R. L. 87, § 1.

SECTION 3. The board shall appoint an executive officer, who shall be a physician and an expert in insanity, and who may be a member of the board. He shall hold the position of executive officer during the pleasure of the board and shall perform such duties as it requires. He shall receive from the commonwealth such compensation as the governor and council may determine, and the necessary expenses incurred by him in the performance of his official duties.

Executive officer. R. L. 87, § 2.

SECTION 4. The board may appoint agents and subordinate officers and fix their compensation, but the amount paid for their salaries shall not exceed the appropriation

Agents, meetings, report. R. L. 87, § 3.

Fiscal year.  
1905, 211.

Contents of  
report.  
R. L. 87, § 4.  
1906, 184.

Duties of  
board.  
R. L. 87, § 5.

General super-  
vision.  
R. L. 87,  
§§ 6, 9.  
1908, 613, 629.

of the general court for that purpose. The board may delegate any of its powers and duties to, and may execute any of its functions by, agents appointed for that purpose or by committees of the board. The board shall hold meetings each month, and oftener if necessary. It shall make its own by-laws, and shall annually report its doings to the governor and council on or before the third Wednesday in March, the report being made up to and including the thirtieth day of November.

SECTION 5. The report shall contain a properly classified and tabulated statement of the receipts and expenses of the board and of each of the several state institutions under its supervision for said year, and a corresponding classified and tabulated statement of their estimates for the year ensuing, including estimates for the ordinary expenses, with its opinion as to the necessity or expediency of appropriations in accordance with said estimates; a concise review of the work of the several institutions under the supervision of the board, for the year preceding, and such suggestions and recommendations as to said institutions and as to the general interests of all persons under its supervision as it considers expedient; and information embodying the experience of this country and other countries relative to the best and most successful methods of caring for such persons as come under the supervision of the board.

SECTION 6. The board shall encourage scientific investigation by the medical staffs of the various institutions under its supervision, shall publish from time to time bulletins and reports of the scientific and clinical work done therein, and shall prescribe to the superintendents or managers of the several institutions under its supervision the forms of, and periods covered by, the statistical returns to be made by them in their annual reports.

SECTION 7. The board shall have general supervision of all public and private institutions and receptacles for insane, feeble-minded or epileptic persons or for persons addicted to the intemperate use of narcotics or stimulants, and the Hospital Cottages for Children, and when so directed by the governor may assume and exercise the powers of the board of trustees of said state institutions in any matter relative to the management thereof. The board shall



have the same powers relative to state charges in institutions or other places under its supervision and to their property as are vested in towns and overseers of the poor relative to paupers supported or relieved by towns.

SECTION 8. The board shall inspect and approve all plans and specifications for new buildings which are to be used by the commonwealth as institutions coming under the supervision of the board, and for the extension or alteration, involving the expenditure of more than two thousand dollars, of existing buildings which are to be or are already so used, before any such new building is erected or any such extension or alteration is made, in accordance with the provisions of chapter five hundred and twenty of the acts of the year nineteen hundred and seven.

Approval of plans, etc.  
R. L. 87, § 7.  
1906, 508, § 10.  
1907, 520.

SECTION 9. The board shall act as commissioners of insanity, with power to investigate the question of the insanity and condition of any person who is an inmate of any institution for the insane, public or private, or restrained of his liberty by reason of alleged insanity at any place within the commonwealth, and shall discharge any such person, if in its opinion he is not insane or can be cared for after such discharge without danger to others and with benefit to himself. All questions as to the sanity of inmates of the penal, reformatory and other institutions of the commonwealth who present indications of insanity shall be referred to and determined by the board, except as is otherwise provided by law.

Board to be commissioners of insanity.  
R. L. 87, § 8.

SECTION 10. The board shall visit every institution under its supervision at least twice a year. It shall ascertain by actual examination and inquiry whether the laws relative to the persons in custody and control thereof are properly observed, shall give such directions as will insure correctness in the returns required relative to them, and may use such means as may be necessary to collect all desired information. The board shall carefully inspect every part of the institution visited with reference to its cleanliness and sanitary condition, the number of patients in seclusion or restraint, the dietary of the patients and any other matters which it may consider worthy of observation, and shall offer an opportunity to every patient for an interview with its visiting members or agents. A report of every such visit shall be presented at the next meeting of the board, following which report the board may make

Visitations by board.  
R. L. 87, § 9.

such recommendations to the trustees or superintendent of the institution as it may deem expedient.

To prescribe  
forms, etc.  
R. L. 87,  
§§ 36-38

SECTION 11. The board shall prescribe the forms of application, medical certificate and order of commitment required by law in the commitment and admission of all persons to the institutions under its supervision, which shall be the sole forms used in such commitments and admissions. It shall keep records of all such commitments and admissions and shall secure compliance with the provisions of law relative thereto, and shall investigate the propriety of any commitment or admission, notice whereof is received under the provisions of sections twenty-seven or forty-six.

To apply for  
commitment.  
R. L. 87, § 51.  
1908, 629.

SECTION 12. If the board has reason to believe that an insane, epileptic or feeble-minded person who is a proper subject for treatment or custody in an institution for the insane, epileptic or feeble-minded, is confined in an almshouse or other place at the public charge or otherwise, it shall cause application to be made to a judge for the commitment of such person to an institution under its supervision.

Semi-annual  
meetings.  
R. L. 87, § 11.

SECTION 13. The board and the boards of trustees of the state institutions under its supervision, or their representatives, shall meet semi-annually for consultation and harmonious action.

#### STATE INSTITUTIONS. — SECTIONS 14-23.

Titles of  
institutions.  
R. L. 87,  
§§ 13, 16.  
1905, 400.  
1906, 313, 508.  
1907, 421.  
1908, 613.

SECTION 14. The titles of the institutions established by or under the authority of chapter one hundred and thirty-three of the resolves of the year eighteen hundred and thirty, chapter two hundred and fifty-one of the acts of the year eighteen hundred and fifty-one, chapter four hundred and fifty-four of the acts of the year eighteen hundred and fifty-five, chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-three, chapter two hundred and twenty-seven of the acts of the year eighteen hundred and seventy-seven, chapter three hundred and twenty-two of the acts of the year eighteen hundred and eighty-four, chapter four hundred and fourteen of the acts of the year eighteen hundred and eighty-nine, chapter four hundred and twenty-five of the acts of the year eighteen hundred and ninety-two, chapter four hundred and eighty-three of the acts of the year

eighteen hundred and ninety-five, chapter four hundred and fifty-one of the acts of the year nineteen hundred, chapter five hundred and eight of the acts of the year nineteen hundred and six, and chapter one hundred and thirty-one of the acts of the year eighteen hundred and thirty-nine as altered by chapter six hundred and thirteen of the acts of the year nineteen hundred and eight, shall be respectively Worcester State Hospital, Taunton State Hospital, Northampton State Hospital, Danvers State Hospital, Worcester State Asylum, Westborough State Hospital, Foxborough State Hospital, Medfield State Asylum, Monson State Hospital, Gardner State Colony, Wrentham State School and Boston State Hospital.

SECTION 15. The government of each of the institutions mentioned in the preceding section shall be vested in a board of seven trustees, five of whom shall be men and two of whom shall be women, except that the trustees of the Foxborough state hospital shall all be men. One member shall annually in January, be appointed by the governor, with the advice and consent of the council, for a term of seven years from the first Wednesday of February following. The members of the board may be removed for cause. If under existing laws the number of trustees of any such institution is less than seven, or if the term of office of more than one trustee of any such institution shall expire in any one year, the governor shall as soon as possible without terminating any existing term appoint a suitable number of trustees for such terms as shall quickest result in the expiration of one term annually, in accordance with the above provision.

SECTION 16. The trustees of each institution shall be a corporation for the purpose of taking and holding, by them and their successors, in trust for the commonwealth, any grant or devise of land, and any gift or bequest of money or other personal property, made for the use of the institution of which they are trustees, and for the purpose of preserving and investing the proceeds thereof in notes or bonds secured by good and sufficient mortgages or other securities, with all the powers necessary to carry said purposes into effect. They may expend any gift or bequest, or part thereof, in the erection of new or in the alteration of old buildings on land belonging to the institution, subject to the approval of the state board of

Trustees of  
state institutions.  
R. L. 87,  
§§ 14, 18-22.  
1902, 542.  
1905, 400.  
1906, 508, § 1.

—to be a  
corporation.  
R. L. 87,  
§§ 15, 23, 24.  
1906, 508, § 4.

insanity, but all such buildings shall belong to the institution and be managed as a part thereof.

Trustees,  
powers and  
duties.  
R. L. 87,  
§§ 15, 26.  
1906, 508, § 2.

SECTION 17. The trustees of each institution shall have charge of the general interests thereof, and shall see that its affairs are conducted according to law and to the by-laws and regulations established by them. They shall receive no compensation, but they shall be reimbursed all necessary expenses actually incurred in the performance of their official duties.

—to appoint  
superintend-  
ents, physi-  
cians, etc.,  
and to make  
by-laws, etc.  
R. L. 87,  
§§ 15, 27.  
1906, 508,  
§§ 2, 6.

SECTION 18. They shall appoint a superintendent who shall be a physician and who shall constantly reside at the institution, assistant physicians, one of whom in each institution for the insane in which women are received as patients and in which more than two assistant physicians are employed shall be a woman, and a treasurer who shall give bond for the faithful performance of his duties; shall appoint or make provision in by-laws for appointing such officers as in their opinion may be necessary for conducting efficiently and economically the business of the institution; and shall determine, subject to the approval of the governor and council, the salaries of all the officers. All their appointments shall be made in such a manner, with such restrictions and for such terms, as the by-laws may prescribe. The superintendent and assistant physicians at the Westborough state hospital shall belong to the homeopathic school of medicine. The trustees shall also establish by-laws and regulations, with suitable penalties, for the government of the institutions, and shall provide for a monthly inspection and trial of the fire apparatus belonging to the institutions and for the proper organization and monthly drill of the officers and employees in its use.

Annual  
inventory.  
R. L. 87,  
§§ 15, 28.  
1905, 211.  
1906, 508, § 3.

SECTION 19. They shall annually on the thirtieth day of November, cause to be made and sent to the said board on or before the third Wednesday in December an accurate inventory of the stock and supplies on hand and the amount and value thereof at said institutions.

Visitation of  
institutions,  
annual meet-  
ing, reports.  
R. L. 87,  
§§ 15, 29.  
1905, 211.  
1906, 508, § 3.  
1908, 597, § 4.

SECTION 20. There shall be thorough visitations of each institution by two of the trustees thereof monthly, and by a majority of them quarterly, and by the whole board semi-annually, at each of which a written account of the condition of the institution shall be prepared, which shall be presented at the annual meeting to be held in De-

ember. At the annual meeting a full and detailed report shall be made of the condition of the institution and all its affairs, with a list of its salaried officers and their salaries, and a copy of the inventory required by the preceding section, to be laid before the governor and council on or before the third Wednesday of December, for the use of the government. The treasurer shall, at the same meeting, present to the trustees his annual report. Both reports shall be made up to the thirtieth day of November, inclusive, except as may otherwise be provided by the board under the provisions of section six. The trustees shall transmit the report of the treasurer with their annual report to the governor and council.

SECTION 21. The trustees of the Worcester state hospital shall have the same authority relative to the management and government of the Worcester state asylum, the care of the inmates, and the collection and disbursement of money for and on account of it, and to the same extent, as if the Worcester state asylum were a part of the Worcester state hospital.

Worcester  
State Asylum.  
R. L. 87, § 84.

SECTION 22. The treasurer and disbursing officer shall maintain an office at the institution where all the books, accounts and vouchers shall be kept. The books of the respective institutions shall be their books and shall show all receipts and disbursements on account of the same and shall at all times be open to the inspection of the trustees.

Books, ac-  
counts, etc.  
R. L. 87, § 30.  
1906, 508, § 3.  
1908, 195.

SECTION 23. The land now or hereafter held by the trustees of any of the institutions mentioned in section fourteen, in trust for the commonwealth for the use of such institution, shall not be taken for a street, highway, railway or railroad without leave of the general court specially obtained.

Land not to  
be taken.  
R. L. 87, § 17.  
1906, 508, § 5.

#### PRIVATE INSTITUTIONS. — SECTIONS 24, 25.

SECTION 24. The governor and council may, upon the recommendation of the state board of insanity, license any suitable person to establish and keep a hospital or private house for the care and treatment of the insane, epileptic, feeble-minded, and persons addicted to the intemperate use of narcotics or stimulants, and may at any time revoke such license. No such recommendation shall be made unless the said board is satisfied that the person applying therefor is a duly qualified physician, as provided in sec-

Private hos-  
pitals may be  
licensed.  
R. L. 87,  
§ 111.



tion thirty-two, and has had practical experience in the care and treatment of such patients. Any person owning or maintaining such a hospital or private house on the date of the passage of this act shall be entitled to maintain the same under the provisions of law in force at that time, except that every such hospital or house shall be subject to the visitation and supervision of the state board of insanity.

Penalty.  
R. L. 87,  
§ 112.

SECTION 25. Whoever establishes or keeps such a hospital or private house without a license, unless otherwise authorized by law, shall forfeit not more than five hundred dollars.

GENERAL REQUIREMENTS FOR ALL INSTITUTIONS. — SECTIONS 26, 27.

Fire apparatus  
and escapes.  
R. L. 87, § 25.  
1906, 508, § 6.

SECTION 26. Every institution under the supervision of the state board of insanity, shall be provided with proper means of escape from fire and suitable apparatus for the extinguishment of fire, and no such building shall be erected or maintained without a written certificate of approval from the inspector of factories and public buildings of the district police for the district in which it is to be erected or maintained.

To furnish  
information.  
R. L. 87,  
§§ 15, 36, 38.  
1906, 508, § 8.

SECTION 27. The trustees, superintendent or manager of any institution under the supervision of the state board of insanity shall furnish all the information required by the said board, and shall immediately notify the board if there is any question as to the propriety of the commitment of any person received therein.

COMMITMENTS AND ADMISSIONS. — SECTIONS 28-49.

Hospital  
districts.  
R. L. 87,  
§§ 31, 32.

SECTION 28. The state board of insanity shall divide the state into districts which it may change from time to time, from each of which the insane, epileptic and feeble-minded shall be committed to certain specified state hospitals or schools, except such as are committed to the Westborough state hospital under the provisions of section thirty-five, or to any state hospital when the expense of their support is paid by themselves or their friends, or upon the written approval of the said board, and also except such as may be committed or admitted to the McLean Hospital, or to any licensed private hospital or house.

SECTION 29. Either of the judges of probate for the county of Suffolk, the judge of probate for the county of Nantucket or a justice of a police, district or municipal court, except the municipal court of the city of Boston, within his county, may commit to any hospital or receptacle for the insane, public or private, designated by the state board of insanity, in accordance with the provisions of the preceding section, any insane person then residing or being in said county, who in his opinion is a proper subject for its treatment or custody. No special justice of a police, district or municipal court, shall make a commitment except in case of the absence or incapacity of the justice or other emergency.

Commitment  
of insane  
persons.  
R. L. 87, § 33.  
1904, 459, § 1.  
1905, 447.

SECTION 30. No person shall be committed to any hospital or receptacle for the insane, public or private, unless there has been filed with the judge a certificate of the insanity of such person by two physicians as provided in section thirty-two, nor without an order therefor, signed by one of the judges named in the preceding section, stating that the judge finds that the person committed is insane and is a proper subject for treatment in a hospital for the insane and either that he has been an inhabitant of the commonwealth for the six months immediately preceding such finding or that provision satisfactory to the state board of insanity has been made for his maintenance or that by reason of insanity he would be dangerous if at large. The order of commitment shall also authorize the custody of the insane person either at the hospital to which he shall first be committed or at some other hospital or receptacle to which he may be transferred. Said judge shall see and examine the alleged insane person, or state in his final order the reason why it was not considered necessary or advisable so to do. The hearing, unless a jury is summoned, shall be at such place as the judge shall appoint. In all cases the judge shall certify in what place the insane person resided at the time of his commitment; or if the commitment is ordered by a court, the court shall certify in what place the insane person resided at the time of the arrest upon the charge for which he was held to answer before such court; and such certificate shall, for the purposes of the preceding section, be conclusive evidence of his residence.

Order of  
commitment.  
R. L. 87, § 34.  
1905, 613.

Examination  
by third  
physician.

SECTION 31. If in the opinion of the judge additional medical testimony as to the mental condition of the alleged insane person is desirable, he may appoint a third physician to examine and report thereon. The fee for making such examination and report shall be the same as is provided for making a certificate under the provisions of section forty-eight.

Qualifications  
of physician  
certifying to  
insanity.  
R. L. 87, § 35.  
1906, 418.

SECTION 32. A physician shall not make a certificate of insanity unless he makes oath that he is a graduate of a legally chartered medical school or college, that he has been in the actual practice of medicine for three years since his graduation and for three years last preceding the making of said oath, and that he is registered in accordance with the provisions of chapter seventy-six of the Revised Laws, nor unless his standing, character and professional knowledge of insanity are satisfactory to the judge. A physician who makes such certificate shall have examined the alleged insane person within five days of his signing and making oath to the certificate, and shall state therein that in his opinion such person is insane and a proper subject for treatment in a hospital for the insane, and the facts on which his opinion is based. A copy of the certificate, attested by the judge, shall be delivered with the insane person to the superintendent of the hospital or receptacle to which the person shall have been committed, to be kept on file with the order of commitment, and he shall forthwith transmit to the state board of insanity copies of such certificate, of the statement required by the provisions of section thirty-three and of the order of commitment. A certificate bearing date more than ten days prior to the commitment of any person alleged to be insane shall be void, and no certificate shall be valid or received in evidence if signed by a physician holding any office or appointment, other than that of consulting or advisory physician, in a hospital or receptacle for the insane to which such person is committed.

Statement  
with appli-  
cation for  
commitment,  
etc.  
R. L. 87, § 39.  
1905, 436.

SECTION 33. Upon every application for the commitment or admission of a person as a patient to an institution described in section seven a statement in a form prescribed by the state board of insanity shall be filed with the application, or within ten days after the commitment or admission, giving as nearly as can be ascertained the facts therein required. A copy of the statement shall be

transmitted to the superintendent of the institution and filed with the order of commitment or the application for admission. The superintendent shall in the case of insane persons, within two days after the reception of such patient, send notice of his commitment or admission by mail, postage prepaid, to all persons whose addresses appear on the said statement, and to any other two persons whom the patient may designate.

SECTION 34. After hearing such evidence as he may consider sufficient, the judge may, either before or after the certificate required by section thirty has been filed, issue a warrant for the apprehension and bringing before him of the alleged insane person, if in his judgment the condition or conduct of such person renders it necessary or proper so to do. The warrant may be directed to and served by a qualified officer or by a private person named in the warrant; and pending examination and hearing, such order may be made relative to the care, custody or confinement of such alleged insane person as the judge shall see fit.

Apprehension  
of alleged  
insane person.  
R. L. 87, § 41.

SECTION 35. In making a commitment of an insane person, the judge shall inquire of the applicant for his commitment whether he desires the insane person to be treated according to homeopathic principles of medicine, and if he does, such insane person shall be committed to the Westborough state hospital in preference to any other place, if that hospital is capable of receiving him; and inmates of other state hospitals for the insane desiring homeopathic treatment, or for whom such treatment is desired by their families or by the applicant for their commitment, may be transferred by the state board of insanity to the Westborough state hospital.

Homeopathic  
treatment.  
R. L. 87, § 40.

SECTION 36. The judge may, in his discretion, issue a warrant to the sheriff or his deputy, directing him to summon a jury of six men to hear and determine whether the alleged insane person is insane.

Summoning  
of jury.  
R. L. 87, § 42.

SECTION 37. The jurors shall be selected in equal numbers from the place in which the trial is had and one or two adjoining places, as the judge shall order. The jurors shall be selected and impaneled as provided in chapter forty-eight of the Revised Laws, and in the counties of Suffolk and Nantucket they may all be taken from one place.

Selection and  
impaneling  
of jury.  
R. L. 87, § 43.

Judge to  
preside;  
verdict.  
R. L. 87, § 44.

SECTION 38. The judge shall preside at such trial, and administer to the jury an oath faithfully and impartially to try the issue, and the verdict of the jury shall be final.

Deficiency in  
jury, how  
supplied.  
R. L. 87, § 45.

SECTION 39. If by reason of challenges or otherwise there is not a full jury of the persons summoned, the judge shall cause the officer who served the summons, or in his absence the officer attending the jury, to return persons to supply the deficiency; and shall have the same authority as the supreme judicial court to enforce the attendance of jurors and witnesses and to impose fines for non-attendance.

Fees of  
officers,  
jurors and  
witnesses.  
R. L. 87, § 46.

SECTION 40. The officer who summons and attends the jury shall receive therefor four cents a mile for all necessary travel, and one dollar and fifty cents for each day that he attends upon them; and the jurors and witnesses shall be entitled to such compensation as is prescribed for jurors and witnesses in the supreme judicial court.

Judge to keep  
docket, orig-  
inal applica-  
tion, etc.  
R. L. 87, § 47.  
1904, 459, § 2.

SECTION 41. Each judge shall keep a docket or record of the causes relative to insane persons coming before him, numbered or otherwise properly designated, and the disposition thereof. He shall also receive and keep on file the original application, statement of applicant and certificate of physicians, and the copy of the order of commitment, attested by, and with the return thereon of, the officer or other person serving the same. Said docket or record and other documents required to be kept as above shall be transmitted, on the death, resignation or removal of the judge to his successor in office.

Commitment  
of persons  
violently in-  
sane, etc.,  
without order  
of court.  
R. L. 87, § 52.

SECTION 42. The superintendent or manager of any hospital for the insane, public or private, may without an order of a judge as provided in sections twenty-nine and thirty, receive into his custody and detain in such hospital for not more than five days any person whose case is certified to be one of violent and dangerous insanity or of other emergency by two physicians qualified as provided in section thirty-two by a certificate conforming in all respects to the provisions of said section, which certificate may be filed with a judge, as the certificate required by section thirty. The officers required by section eighty-six, or any member of the district police, shall upon the request of the applicant or of one of the said physicians,



cause the arrest and delivery of such a person to such superintendent or manager. The person applying for such an admission shall within five days cause the alleged insane person to be committed or removed from the hospital, and failing thereof be liable to the hospital for the expenses incurred and to a penalty of fifty dollars, which may be recovered by the hospital in an action of contract.

SECTION 43. If a person is found by two physicians, qualified as provided in section thirty-two, to be in such mental condition that his commitment to a hospital for the insane is necessary for his proper care or observation, he may be committed by any of the judges mentioned in section twenty-nine to a state hospital for the insane or to the McLean Hospital, under such limitations as the judge may direct, pending the determination of his insanity.

Commitment  
pending de-  
termination  
of insanity.

SECTION 44. The superintendent of any state hospital for the care, treatment or observation of the insane and the McLean Hospital may receive for temporary care, not exceeding seven days, any person suffering from mental disease, on the written application of his natural or legal guardian or, if there be none, upon the written application of a chief or captain of police, any member of the district police, a selectman, the state board of charity or the state board of insanity, together with the certificate of a physician qualified as provided in section thirty-two, that such temporary care is necessary by reason of mental disease. The person applying for such an admission shall within seven days cause the patient to be committed, provided he does not sign a request to remain under the provisions of section forty-five, or to be removed from the hospital, and failing thereof shall be liable to the hospital for the expenses incurred and to a penalty of fifty dollars, which may be recovered by the hospital in an action of contract.

Temporary  
care.

SECTION 45. The superintendent or manager of any institution, public or private, to which an insane person may be committed, may receive and detain therein as a boarder and patient any person who is desirous of submitting himself to treatment, and who makes written application therefor and whose mental condition is such as to render him competent to make the application. Such person shall not be detained for more than three days after having given notice in writing of his intention or desire to

Voluntary  
patients.  
R. L. 87, § 53.  
1905, 432, § 1.

leave the institution. The charges for the support of such person in a state institution shall be governed by the provisions of law applicable to the support of an insane person in such institution, provided the approval of the state board of insanity shall be obtained in writing.

Notice to  
board of  
insanity.  
R. L. 87, § 54.  
1905, 432, § 2.

SECTION 46. If a patient is received into any such institution under the provisions of the four next preceding sections, the superintendent or manager thereof shall give immediate notice of such reception to the state board of insanity, stating all the particulars of the case.

Commitment  
of women.  
R. L. 87, § 57.

SECTION 47. If a woman is committed to an institution under the supervision of the board, the committing magistrate shall, unless she is accompanied by a father, husband, brother or son, designate a woman to be an attendant or one of the attendants to accompany her thereto.

Compensation  
of judges,  
physicians, etc.  
R. L. 87,  
§§ 48, 73, 118.  
1904, 459,  
§§ 3, 5.  
1906, 508, § 12.

SECTION 48. Except as is otherwise provided the compensation of the judges, physicians and officers taking part in the commitment or admission of persons to institutions described in section seven in accordance with the provisions of this act, shall be as follows: — The judge, if required to go from his office or place of business to see and examine the person committed or admitted, shall be allowed all necessary expenses of travel. If a special justice hears and determines the application he shall receive compensation at the rate provided in section sixty-nine of chapter one hundred and sixty of the Revised Laws: *provided, however*, that he shall not receive more than four dollars and the necessary expense of travel for each commitment. The fee for each physician making a certificate shall be four dollars, and twenty cents for each mile traveled one way. The fees for officers serving process shall be the same as are allowed by law in like cases.

Proviso.

Expenses,  
how paid.  
R. L. 87,  
§§ 49, 73.  
1905, 435, 475,  
§ 1.  
1906, 471.

SECTION 49. All necessary expenses attending the apprehension, examination, trial, commitment or delivery of an alleged insane, epileptic or feeble-minded person, dipsomaniac, inebriate or one addicted to the intemperate use of narcotics or stimulants, shall, if the commitment is to a state institution for such persons, be allowed and certified by the judge and presented as often as once a year to the county commissioners, who shall examine and audit the same; and all necessary expenses attending the

apprehension, examination or trial of any such person who if a commitment had been made would have been committed to a state institution for such person, when allowed in the discretion of the judge and certified by him and presented and audited as herein provided, and all expenses of examination and delivery of persons mentioned in section fifty-eight of this act when certified by a judge authorized by law to make commitments in the county in which such person is an inhabitant shall be paid by the county in which such person is an inhabitant. If the person is an inmate of an institution at the time of his commitment, such expenses shall be repaid to such county by the county in which he resided at the time of his admission to the institution, or, if he had no residence, by the county from which he was sent to the institution; and the necessary expenses of returning to a state institution a person temporarily absent therefrom, under the provisions of section seventy-five, shall be paid by such person or his guardian, relative or friend if of sufficient ability, or may be paid by such county, if a new commitment of such person would otherwise be necessary. If application is made for the commitment of a person whose expenses and support are not to be paid by the commonwealth, the said expenses shall be paid by the applicant or by a person in his behalf.

Expenses, how paid.

DIPSOMANIACS, INEBRIATES, ETC. — SECTIONS 50-56.

SECTION 50. Any of the judges named in section twenty-nine may commit to the Foxborough state hospital, the McLean Hospital, or to a private licensed hospital or house, any male, or to any hospital or licensed receptacle, for the insane, public or private, except the Foxborough state hospital, any female, who is subject to dipsomania or inebriety either in public or private or who is so addicted to the intemperate use of narcotics or stimulants as to have lost the power of self control; but no such commitment shall be made until satisfactory evidence is presented to the judge by whom the proceedings for commitment are heard that such person is not of bad repute or of bad character apart from such habits of intemperance. The magistrate who receives the application for such commitment shall examine on

Commitment of dipsomaniacs, etc.  
R. L. 87.  
§§ 59, 60.  
1905, 400.

oath the applicant and all other witnesses, shall reduce the application to writing and cause it to be subscribed and sworn to by the applicant. He shall cause a summons and copy of the application to be served upon such person in the manner provided by section twenty-five of chapter two hundred and seventeen of the Revised Laws. Such person shall be entitled to a hearing, unless after receiving said summons he shall in writing waive a hearing; and in that case the magistrate may issue an order for his immediate commitment to said hospital without such hearing if he is of the opinion that such person is a proper subject for its treatment and custody. The commitment may be made forthwith, if the examining physician certifies the case to be one of emergency. A person committed as aforesaid may be detained for two years from the date of his commitment and no longer.

Appeal from  
order of  
commitment.  
R. L. 87, § 62.

SECTION 51. A person may appeal from the order of commitment as a dipsomaniac or inebriate, or as addicted to the intemperate use of narcotics or stimulants, to the superior court sitting for criminal business in the county from which he is committed, in the manner provided by section twenty-eight of chapter one hundred and fifty-seven of the Revised Laws, but he shall be held in such hospital to abide the final order of the court until he recognizes in the manner provided in section twenty-two of chapter two hundred and nineteen of the Revised Laws, as amended. Upon such appeal the judge who ordered the commitment may bind the witnesses by recognizance as provided in chapter two hundred and seventeen of the Revised Laws, and shall make a copy of the order of commitment and other proceedings in the case and transmit the same with the recognizance, if any, to the clerk of the superior court. If the appellant so requests, an issue or issues shall be framed and submitted to a jury in the superior court.

Default for  
non-prosecu-  
tion of appeal.  
R. L. 87, § 63.

SECTION 52. If the appellant fails to enter and prosecute his appeal he shall be defaulted on his recognizance, and the superior court may enter an order in like manner as if he had been ordered to be committed by that court; and process may issue, if necessary, to bring him into court to be recommitted.

Withdrawal  
of appeal.  
R. L. 87, § 64.

SECTION 53. The appellant may at any time before the copy of the proceedings has been transmitted to the

superior court be brought personally before the judge from whose order the appeal was taken, and, at his request, may be permitted by the judge in his discretion to withdraw his appeal and abide by the order of said judge, who shall order that the appellant comply with the order appealed from in the same manner as if it were then imposed.

SECTION 54. Any person who is a dipsomaniac or inebriate or addicted to the intemperate use of narcotics or stimulants, who is desirous of submitting himself for treatment in the Foxborough state hospital, or any hospital for the insane, or any hospital or receptacle licensed under the provisions of section twenty-four, and makes written application therefor, may be received by the trustees, superintendent or manager of such hospital or receptacle and detained therein as a boarder and patient. Such person shall not be detained for more than three days after having given notice in writing of his intention or desire to leave the institution. The charges for the support of such person in a state institution shall be governed by the provisions of law applicable to the support of an insane person in said institution, provided the approval of the state board of insanity shall be obtained in writing.

Voluntary admissions.  
1906, 316.

SECTION 55. The trustees of the Foxborough state hospital shall receive and care for, according to law and in separate quarters, such insane persons as may be transferred to that hospital by the state board of insanity.

Trustees to receive insane persons.  
1905, 400.

SECTION 56. The provisions of this chapter relative to the commitment of insane persons to a hospital for the insane shall, unless it is otherwise expressly provided, apply to and govern commitments under the provisions of sections fifty to fifty-three inclusive, except that it shall be specifically alleged that a person who is committed thereunder is a dipsomaniac or inebriate or is so addicted to the intemperate use of narcotics or stimulants as to have lost the power of self control, instead of alleging that he is insane.

General laws applicable.  
R. L. 87, § 65.

#### EPILEPTICS. — SECTIONS 57, 58.

SECTION 57. A person of the age of ten years or over who is subject to epilepsy, if he is not a criminal, inebriate or violently insane, may, if insane, be committed to

Commitment of epileptics.  
R. L. 87, § 66.  
1906, 352.  
1907, 432.



the Monson state hospital, in accordance with the provisions for the commitment of other insane persons, or may, if dangerous to himself or others by reason of epilepsy, be committed thereto in the manner provided for the commitment of dipsomaniacs and inebriates.

Voluntary  
admissions.  
R. L. 87, § 67.  
1907, 432.

SECTION 58. The trustees of said hospital may receive and detain therein as a patient any person of the age of ten or over certified to be subject to epilepsy by a physician qualified as provided in section thirty-two, who desires to submit himself to treatment and makes written application therefor, and whose age and mental condition are such as to render him competent to make such application, or for whom application is made by a parent or guardian. No such patient shall be detained more than three months after having given notice in writing of his intention or desire to leave the hospital. Upon the patient's reception at the hospital, the superintendent shall report the particulars of the case to the board of insanity, who may investigate the same.

#### FEEBLE-MINDED. — SECTIONS 59-65.

Trustees of the  
Massachusetts  
School for the  
Feeble-  
minded.  
R. L. 87,  
§ 113.

SECTION 59. There shall be six trustees, on the part of the commonwealth, of the Massachusetts School for the Feeble-Minded, one of whom shall annually be appointed by the governor, with the advice and consent of the council, for a term of six years.

Assistance by  
common-  
wealth,  
report of  
trustees.  
R. L. 87,  
§§ 114, 122.

SECTION 60. The annual appropriation for the support of said school shall be made upon condition that the board of trustees shall be composed of twelve persons, six of whom shall be appointed by the governor, with the advice and consent of the council; and that the said school shall be subject to the same supervision of the state board of insanity as are the state hospitals for the insane. The trustees of said school shall annually prepare and send to the state board of insanity a written or printed report of its proceedings, income and expenditures, properly classified, for the year ending on the thirtieth day of November, stating the amount appropriated by the commonwealth, the amount expended under such appropriation, the whole number and the average number of inmates, the number and salaries of officers and employees, and such other information as the board may require.

SECTION 61. The Massachusetts School for the Feeble-Minded and the Wrentham state school shall each maintain a school department for the instruction and education of feeble-minded persons who are within the school age or who in the judgment of the trustees thereof are capable of being benefited by school instruction, and a custodial department for the care and custody of feeble-minded persons beyond the school age or not capable of being benefited by school instruction.

Departments.  
R. L. 87,  
§ 115.  
1906, 508, § 14.

SECTION 62. Persons received by the Massachusetts School for the Feeble-Minded and by the Wrentham state school shall from time to time be classified in said departments as the trustees shall see fit, and the trustees may receive and discharge pupils at their discretion, and may at any time discharge any pupil or other inmate and cause him to be removed to his home or to the place of his settlement.

Reception and  
classification  
of pupils.  
R. L. 87,  
§ 116.  
1906, 508, § 15.

SECTION 63. If upon application in writing, a judge of probate finds that a person is a proper subject for the Massachusetts School for the Feeble-Minded or the Wrentham state school, he may commit him thereto by an order of commitment directed to the trustees thereof, accompanied by the certificate of a physician, qualified as provided in section thirty-two, that such person is a proper subject for said institution.

Commitments  
by court.  
R. L. 87,  
§ 118.  
1904, 459, § 5.  
1906, 508, § 12.

SECTION 64. The trustees of said institutions may at their discretion receive, maintain and educate in the school department, any feeble-minded person from this commonwealth, gratuitously or otherwise, upon application being made therefor by the parent or guardian of such person, which application shall be accompanied by the certificate of a physician, qualified as provided in section thirty-two, that such person is deficient in mental ability, and that in the opinion of the physician he is a fit subject for said school. Special pupils may be received from any other state or province at a charge of not less than three hundred dollars a year. The trustees may also at their discretion receive, maintain and educate in the school department other feeble-minded persons, gratuitously or upon such terms as they may determine.

Voluntary  
admissions.  
R. L. 87,  
§ 117.  
1906, 508, § 16.

SECTION 65. If an inmate of the Massachusetts School for the Feeble-Minded or the Wrentham state school shall have reached the limit of school age or in the judgment

Judicial in-  
quiry as to  
inmates.  
1906, 309.  
1907, 489.

of the trustees shall be incapable of being further benefited by school instruction, or if the question of the commitment to or continuance in either of the said schools of any inmate, including inmates who may have been transferred from one department of such school, to another, under the provisions of section sixty-two, is in the opinion of the trustees and of the state board of insanity a proper subject for judicial inquiry, the probate court for the counties of Middlesex and Norfolk, respectively, upon the petition in writing of said trustees, or of said board or of any member of either body, and after such notice as the court may order, may, in its discretion, order such inmate to be brought before the court, and shall determine whether or not he is a feeble-minded person, and may commit him to such school or either department thereof, or may order him to be discharged therefrom.

#### HOSPITAL COTTAGES FOR CHILDREN. — SECTIONS 66, 67.

Hospital Cottages for Children, trustees' annual report. R. L. 87, §§ 124, 125.

SECTION 66. The governor, with the advice and consent of the council, shall appoint five trustees of the Hospital Cottages for Children, one of whom shall be appointed annually, who shall hold office for a term of five years from the date of their appointment. They shall serve without compensation, and, with the trustees elected by said corporation, shall have the management of the business and property of said corporation and the general supervision of its cottages. The trustees of said corporation shall annually prepare and send to the state board of insanity a written or printed report of all its proceedings, income and expenditures, properly classified, for the year ending on the thirtieth day of November, stating the amount expended under any appropriation from the general court, the whole number and average number of beneficiaries, the number and salaries of officers and persons employed, and such other information as said board may require.

Children to be sent to. R. L. 87, § 126.

SECTION 67. The state board of insanity may send to and keep at said Hospital Cottages for Children such number of children afflicted with epilepsy as shall be approved by the trustees and superintendent thereof, to be maintained at such expense to the commonwealth as shall be determined by said state board and said trustees.

TRANSFERS, BOARDING OUT AND DISCHARGES. — SECTIONS  
68-81.

SECTION 68. The governor may at any time cause an inmate of a state institution under the supervision of the state board of insanity to be removed to another such institution, as the circumstances or the necessities of the case may in his judgment require.

Transfer of inmates by governor.  
R. L. 87, § 85.

SECTION 69. The state board of insanity may, subject to the provisions of section seventy, transfer to and from any institution or receptacle under its supervision, any inmate thereof who, in the opinion of the board is a proper subject for admission to the institution or receptacle to which he is to be transferred: *provided*, that no such inmate shall be transferred to be detained as an insane person unless he shall have been duly committed as insane by a judge or court; and *provided, further*, that no person shall so be transferred to the Bridgewater state hospital unless he has been a criminal and vicious in his life. A record of such transfer shall be entered in the registers of the institutions to and from which he is transferred. The commitment papers, together with an abstract of his hospital case-record, shall be transmitted with him to the institution to which he is transferred. The board may also remove any pauper inmates of institutions under its supervision who are not subject to the orders of a court to any country, state or place where they belong. In making such transfers and removals the board shall, so far as is practicable, employ nurses or attendants instead of officers of the law, and shall employ female nurses or attendants to accompany female patients.

Transfers by state board.  
R. L. 85, §§ 42, 43.  
R. L. 87, §§ 58, 66, 87-89, 92, 123.  
1904, 278, § 1.  
1905, 400.  
1906, 352;  
508, § 8.  
1907, 432.

Provisos.

SECTION 70. The said board shall not transfer any person to or from a private institution except upon the application of the superintendent or manager of such institution and of the legal or natural guardian of such person, nor transfer any voluntary inmate of any institution, public or private, except with his written consent.

Transfers from and to private hospitals.  
R. L. 87, § 90.

SECTION 71. Any patient in an institution, public or private, used wholly or in part for the care of the insane, who is quiet and not dangerous nor committed as a dipsomaniac or inebriate, nor addicted to the intemperate use of narcotics or stimulants and who is under the supervision of the state board of insanity, may be placed by said

Boarding in families.  
R. L. 87, § 102.  
1905, 458, § 1.

board if it considers it expedient, at board in a suitable family or place in the commonwealth or elsewhere. Any such patient in a public institution used wholly or in part for the care of the insane may so be boarded by the trustees thereof, and such boarder shall be deemed to be an inmate of the institution. The cost to the commonwealth of the board of such paupers shall not exceed three dollars and twenty-five cents a week for each person.

Bills for  
board.  
R. L. 87, § 103.  
1905, 458, § 2.

SECTION 72. The bills for the support of persons who are boarded in families by the state board of insanity shall be payable monthly, by the commonwealth and shall be audited by said board, which shall, at the end of each month, present to the auditor a schedule of all such bills as have been incurred, and shall keep a register in such form that the auditor shall be able to verify the schedule.

Visitations by  
board.  
R. L. 87, § 104.  
1905, 458, § 3.

SECTION 73. The state board of insanity shall cause all persons who are boarded by it in families at public expense to be visited at least once in three months, and all persons who are boarded in families at public expense by the trustees of any institution authorized to board out its inmates to be visited once in six months, by an agent of said board. The trustees of every institution authorized to board out its inmates shall cause all persons who are so boarded by them in families at public expense to be visited at least once in three months, and shall inform the state board of insanity of the location of every such boarder, and shall furnish such other information as the board may require.

Removal of  
neglected  
persons;  
temporary  
absence.  
R. L. 87, § 105.  
1905, 458, § 4.

SECTION 74. Said state board shall cause to be removed to an institution used wholly or in part for the care of the insane or to a better boarding place all persons who, upon visitation, are found to be abused, neglected or improperly cared for when boarded out in families. Said board may permit any boarder temporarily to leave custody as an insane person in charge of his guardian, relatives, friends or by himself, for a period not exceeding one year, and may receive him again into such custody when returned by such guardian, relatives, friends or upon his own application, within such period, without any further order of commitment, and may during such temporary absence assist in his maintenance to an amount not exceeding three dollars and twenty-five cents a week.



SECTION 75. The superintendent or manager of any hospital or receptacle described in section seven may permit any inmate thereof temporarily to leave such institution in charge of his guardian, relatives, friends, or by himself, for a period not exceeding six months, and may receive him when returned by any such guardian, relative, friend, or upon his own application, within such period, without any further order of commitment. The superintendent may require as a condition of such leave of absence, that the person in whose charge the patient is permitted to leave the institution shall make reports to him of the patient's condition. Any such superintendent, guardian, relative or friend may terminate such leave of absence at any time and authorize the arrest and return of the patient. The officers mentioned in section eighty-six shall cause such a patient to be arrested and returned upon the request of any such superintendent, guardian, relative or friend. Any patient who has not returned to the institution at the expiration of six months shall be deemed to be discharged therefrom.

Temporary  
absence by  
permission.  
R. L. 87,  
§§ 60, 95.  
1905, 435.

SECTION 76. The superintendent or manager of a private institution or receptacle described in section seven, the superintendent of such a state institution and of the McLean Hospital, when authorized thereto by the board of trustees of such institution, or the trustees, or the state board of insanity, or on an application in writing, a judge of probate for the county in which the institution is situated, or in which the inmate had his residence at the time of his commitment or admission, or a justice of the supreme judicial court in any county, after such notice as the said superintendent, manager, trustees, state board, judge or justice may consider reasonable and proper, may discharge any inmate if it appears that he will be sufficiently provided for by himself, his guardian, relatives or friends, or that his detention therein is no longer necessary for his own welfare or the safety of the public. If the legal or natural guardian or any relative of an inmate opposes such discharge, it shall not be made by a superintendent, manager or board of trustees without written notice having been given to the person opposing such discharge. The provisions of this section shall not apply to persons committed by a court.

Discharge of  
inmates by  
trustees, or  
court.  
R. L. 87,  
§§ 86, 91-94,  
96.  
1906, 508, § 15.

SECTION 77. No unrecovered inmate who is known to have committed or attempted violence to others, or who

Discharge of  
inmates by  
state board,  
etc.

Discharge of inmates by state board, etc.

in the opinion of the superintendent or manager is, or is likely to become, dangerous to others, shall be discharged from or permitted to leave an institution or receptacle under the provisions of the two next preceding sections by the trustees, superintendent or manager without the approval in writing of the state board of insanity. The board shall not grant such approval unless the superintendent or manager shall have submitted to it a written report containing a full statement of the case and of his reasons for his opinion whether or not the patient is or is likely to become dangerous to others, and such other information as the board may require, nor unless the board is satisfied by such report or by its own investigation that such inmate is not and is not likely to become dangerous to others, or if so dangerous, that sufficient precautions will be taken to protect the public safety. The board may, if it cannot agree with such superintendent or manager, file a petition for instructions in the probate court for the county in which the institution is situated, which may in its discretion order such inmate to be brought before it and cause him to be examined by one or more experts in insanity, and shall determine whether or not he is or is likely to become dangerous to others, and if so dangerous, whether sufficient precautions will be taken to protect the public safety, and may order him to be discharged or returned to such institution or receptacle. Copies of all reports, decisions, findings and evidence connected with the case shall be transmitted to the institution and made a part of the case-record of such inmate. Reasonable expense incurred by the probate court in such examination shall be approved by the court and paid by the commonwealth.

Application for discharge.  
R. L. 87, § 97.

SECTION 78. Any person may make written application to a justice of the supreme judicial court at any time and in any county, stating that he believes or has reason to believe that a person named in such application is confined as an insane person in a hospital for the insane or other place, public or private, and ought not longer to be so confined, and giving the names of all persons supposed to be interested in keeping him in confinement, and requesting his discharge.

Notice to superintendent;

SECTION 79. The justice, upon reasonable cause shown for a hearing, shall order notice of the time and place

thereof to be given to the superintendent or manager of the hospital or place of confinement, and to such other persons as he considers proper; and such hearing shall be given as soon as conveniently may be before any justice of said court in any county. The alleged insane person may be brought before the justice at the hearing upon a writ of habeas corpus, if any person so requests and the justice considers it proper. Pending the decision of the court such person shall remain in the custody of the superintendent or manager. An issue or issues may be framed and submitted to a jury by direction of the justice or on the request of any person who appears in the case. The jurors may be those in attendance on said court, if in session at the time of the hearing, or may be summoned for the purpose upon the order of the justice substantially in accordance with the provisions of chapter one hundred and seventy-six of the Revised Laws.

Further proceedings.  
R. L. 87, § 98.

SECTION 80. If it appears upon the verdict of the jury, or in the opinion of the justice, if the case is not submitted to a jury, that the person so confined is not insane, or that he is not dangerous to himself or others and ought not longer to be so confined, he shall be discharged from confinement.

If not insane or dangerous, to be discharged.  
R. L. 87, § 99.

SECTION 81. No pauper inmate of a state institution for persons described in section seven shall be discharged therefrom without suitable clothing; and the trustees may furnish the same at their discretion, and such amount of money, not exceeding twenty dollars, as they may consider necessary. Inquiry shall be made into the future situation of every patient about to be discharged, and precautionary medical advice shall be given to him. No patient shall be discharged or temporarily absent from any institution for the insane without a personal examination of his mental condition made by one of the hospital physicians within forty-eight hours of his departure, the result of which shall be entered in his case-record.

Clothing, etc., to be furnished on discharge.  
R. L. 87, § 101.

#### SUPPORT. — SECTIONS 82, 83.

SECTION 82. The price for the support of inmates, other than state charges, of the institutions mentioned in section fourteen, and of the Massachusetts School for the Feeble-Minded, shall be determined by the trustees of

Price of support.  
R. L. 87, §§ 75-80, 120.  
1905, 354.  
1906, 508, § 17.  
1908, 613, 629.

the respective institutions. The price for the support of state charges shall be determined by the state board of insanity at a sum not exceeding five dollars per week for each person, and may be recovered by the treasurer and receiver general from such persons if of sufficient ability, or from any person or kindred bound by law to maintain them. The attorney-general shall upon request of the said board bring action therefor in the name of the treasurer and receiver general.

Reimbursement of small towns for maintenance.  
R. L. 87, § 81.  
1905, 282.

SECTION 83. If it appears to the state board of insanity that a town having a taxable valuation of less than five hundred thousand dollars in the valuation of polls and estates established by the general court is, or since the first day of January in the year nineteen hundred and four has been, lawfully charged with the maintenance of inmates of any hospital or receptacle under the supervision of the said board, by reason of such inmate having a legal settlement in such town, the expense thereof may be repaid to the town by the commonwealth, in whole or in part, as the board may determine.

#### PRIVILEGES OF PATIENTS. — SECTIONS 84, 85.

Attorneys may visit clients.  
R. L. 87, § 82.

SECTION 84. An attorney-at-law regularly retained by or on behalf of any person committed to an institution under the supervision of the state board of insanity shall be admitted to visit his client at all reasonable times, if in the opinion of the superintendent or manager of the institution such visit would not be injurious to such person, or if a justice of the supreme judicial court or of the superior court or a judge of probate in any county first orders in writing that such visit be allowed.

Patients may write to state board.  
R. L. 87, § 83.

SECTION 85. All patients in any institution under the supervision of the state board of insanity shall be allowed, subject to the regulations of the board, to write freely to the board, and letters so written shall be forwarded, unopened, by the superintendent or person in charge of the institution to said board for such disposition as it shall consider right; and the board may send any letters or other communications to any patients in any of said institutions whenever it may consider it proper so to do. All other letters to or from the patient may be sent as addressed or to his legal or natural guardian or most interested friend.

ESCAPES AND INTERSTATE RENDITION. — SECTIONS 86-90.

SECTION 86. An inmate of any hospital or receptacle described in section seven, who escapes therefrom, may be arrested and returned thereto by an officer, qualified to serve criminal process in any county, or by any officer or employee of such hospital or receptacle. The superintendent of the police of Boston, city marshals and chiefs of police of cities or towns, upon information from the superintendent or manager of such hospital or receptacle, of such an escape, shall cause the person so escaping to be arrested and returned to the hospital or receptacle, if he is within such city or town, at the expense of the institution.

Escapes;  
arrest.  
R. L. 87, § 61.

SECTION 87. The governor may upon demand deliver to the executive of any other state or territory any person who has escaped from an institution for the insane, public or private, to which he has been committed under the laws of such state or territory, and who may be dangerous to the safety of the public, or may upon application appoint an agent to demand of the executive authority of any other state or territory any such person who has escaped from such an institution in this commonwealth. Such demand or application shall be accompanied by an attested copy of the commitment and sworn evidence of the superintendent or keeper of the institution stating that the person demanded has escaped from such institution, and by such further evidence as the governor may require.

Rendition of  
insane persons.  
Cf. R. L. 217,  
§ 13.

SECTION 88. If the governor is satisfied that the demand conforms to law and ought to be complied with, he shall issue his warrant under the seal of the commonwealth to an officer authorized to serve warrants in criminal cases, directing him at the expense of the agent who makes the demand, at a time designated in the warrant, to take and transport such person to the boundary line of this commonwealth and there deliver him to such agent. The officer may require aid as in criminal cases.

Warrant to  
issue.  
Cf. R. L. 217,  
§ 13.

SECTION 89. A person who is arrested upon such a warrant shall not be delivered to the agent of a state or territory until he has been notified of the demand for his surrender and has had an opportunity to apply for a writ of habeas corpus, if he claims such right of the

Writ of  
habeas corpus  
Cf. R. L. 217,  
§ 14.



officer who makes the arrest. If the said writ is applied for, notice thereof and of the time and place of hearing shall be given to the attorney-general or district attorney for the district in which the arrest is made. An officer who delivers such person in his custody upon such warrant to such agent for extradition without having complied with the provisions of this section shall forfeit not more than one thousand dollars. Pending the determination of the court upon an application for the said writ, the person shall be detained in custody in a suitable hospital for the insane.

Fees.  
Cf. R. L. 217,  
§ 15.

SECTION 90. If the application for the arrest of a patient escaped from an institution, public or private, in this commonwealth, is complied with and an agent is appointed, his account shall be paid by the institution from which the patient escaped, but the governor may direct the whole or part of such account to be paid by the commonwealth.

#### CRIMINAL OFFENCES. — SECTIONS 91-94.

Penalty for  
conspiracy.  
R. L. 87, § 56.

SECTION 91. A physician who wilfully conspires with a person unlawfully or improperly to commit to a hospital for the insane a person who is not insane shall be punished by a fine or imprisonment, at the discretion of the court.

Penalty for ill-  
treatment, etc.

SECTION 92. A superintendent, manager, officer or nurse or other person employed in a hospital or receptacle described in section seven, or any person having charge of an insane, feeble-minded or epileptic person, whether by reason of any contract or of any ties of relationship or marriage or otherwise, who illtreats or wilfully neglects such person, shall be punished by a fine or imprisonment at the discretion of the court.

Penalty for  
assisting  
escapes, etc.

SECTION 93. A superintendent, manager, officer or nurse or other person employed in a hospital or receptacle described in section seven who wilfully permits or assists or connives at the escape of a patient, and any person who secretes a patient, shall be punished by fine or imprisonment, at the discretion of the court.

Penalty for  
furnishing  
intoxicating  
liquors to  
inmates.  
1903, 410.  
1905, 400.

SECTION 94. Whoever gives, sells or delivers spirituous or intoxicating liquor to a patient of any state institution under the supervision of the state board of insanity or to a patient under the control of any of the said

institutions, except under the direction of a physician of the institution, and whoever has in his possession within the precincts of any of the said institutions any such liquor with intent to convey or deliver it to any patient thereof except under direction as aforesaid, shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than two months.

APPROPRIATIONS. — SECTIONS 95-97.

SECTION 95. Annual appropriations in addition to unexpended receipts shall be made for the maintenance of each of the institutions mentioned in section fourteen and of the Massachusetts School for the Feeble-Minded. All accounts for the maintenance of the above named institutions shall be approved by the trustees and filed with the auditor of the commonwealth at the end of each month, and shall be paid out of the treasury of the commonwealth. Full copies of the pay rolls and bills shall be kept at each institution, but the originals shall be deposited with the auditor as vouchers.

Annual appropriations.  
R. L. 87, § 127.  
1905, 175, § 1.  
1908, 597, § 1.

SECTION 96. All money received by the said institutions shall be paid into the treasury of the commonwealth as often as once in each month. The receipts from each institution shall be placed to its credit and shall be used for its maintenance during the following year.

Disposition of receipts.  
R. L. 87, § 128.  
1905, 175, § 2.

SECTION 97. The provisions of the two preceding sections shall not affect the power of the trustees of the said institutions under the provisions of section sixteen of this act or of chapter one hundred and fifty of the acts of the year eighteen hundred and fifty, and acts in amendment thereof, nor their right to regulate or control the expenditure of any funds held by them under the provisions of the said acts.

Application of two preceding sections.  
R. L. 87, § 129.  
1905, 175, § 3.

SECTION 98. The name of the state hospital is hereby changed to State Infirmary, and the name of the state asylum for insane criminals is hereby changed to Bridgewater State Hospital.

State Infirmary.  
St. 1900, 333.  
Bridgewater State Hospital.  
1886, 219, § 1.  
1895, 390,  
§§ 1, 2.  
R. L. 85, § 41.

APPOINTMENT OF GUARDIAN.

SECTION 99. If the relatives or friends of an insane person, or the mayor and aldermen of a city or the selectmen of a town in which he is an inhabitant or resident, or the state board of insanity, apply to the probate

Appointment of guardian of insane person.  
1693-4, 18.  
1726-7, 12, § 1.  
1731-2, 14, § 1.

1737-8, 9, § 1.  
 1783, 38, § 2.  
 R. S. 79, § 9.  
 G. S. 109, § 8.  
 P. S. 139, § 6.  
 R. L. 145, § 7.  
 8 Mass. 129.  
 12 Mass. 505.  
 5 Pick. 490.

court to have a guardian appointed for him, the court shall cause not less than seven days' notice of the time and place appointed for the hearing to be given to him and to the state board of insanity, except that the court may, for cause shown, direct that a shorter notice be given to him and to the said board; and if after a hearing the court finds that he is incapable of taking care of himself, it shall appoint a guardian of his person and estate. A copy of such appointment shall be sent by mail by the register to the said board. If in the opinion of the court additional medical testimony as to the mental condition of the person alleged to be insane is desirable, it may require such person to submit to examination, and may appoint one or more physicians, expert in insanity, to examine such person and report their conclusions to the court. Reasonable expense incurred in such examination, shall be paid out of the estate of such person, or by the county, as may be determined by the court.

#### APPOINTMENT OF TEMPORARY GUARDIAN.

Temporary  
 guardian, ap-  
 pointment of.  
 1878, 230.  
 P. S. 139, § 6.  
 1897, 135, § 1.  
 1900, 345,  
 §§ 1, 3.  
 1901, 213, 523.  
 179 Mass. 133.  
 R. L. 145, § 20.

SECTION 100. Upon the petition of the mayor of a city, the selectmen of a town, the overseers of the poor of a city or town, the state board of insanity, or other person in interest, the court may, if it finds that the welfare of a minor, insane person, or spendthrift requires the immediate appointment of a temporary guardian of his person and estate, appoint a temporary guardian of such minor, insane person, or spendthrift, with or without notice, and may in like manner remove or discharge him or terminate the trust. A temporary guardian may proceed and continue in the execution of his duties, notwithstanding an appeal from the decree appointing him, until it is otherwise ordered by the supreme judicial court, or until the appointment of a permanent guardian, or until the trust is otherwise legally terminated.

#### ALLOWANCE OF GUARDIAN'S ACCOUNT.

Allowance of  
 guardian's  
 account.

SECTION 101. No final account or discharge of a guardian of an insane person shall be allowed under the provisions of chapter one hundred and forty-five of the Revised Laws, unless at least seven days' notice of the petition therefor has been given to the state board of insanity.

NOTICE OF GUARDIAN'S PETITION FOR LICENSE TO SELL.

SECTION 102. A license to sell shall not be granted to the guardian of a spendthrift who resides in this commonwealth, or of an insane person, unless seven days' notice of the petition therefor has been given to the overseers of the poor of the city or town in which the spendthrift resides, or to the state board of insanity in the case of an insane person. Such notice may be served upon any one of said overseers or board.

License to guardian of insane person, etc., only after notice to overseers of poor, 1806, 102.  
1818, 112, § 1.  
1826, 64.  
1830, 140, § 1.  
R. L. 146, § 13.

COMMITMENT OF PERSONS UNDER INDICTMENT TO A STATE INSANE HOSPITAL.

SECTION 103. If a person under complaint or indictment for any crime, is, at the time, appointed for trial or sentence, or at any time prior thereto, found by the court to be insane or in such mental condition that his commitment to a hospital for the insane is necessary for the proper care or observation of such person pending the determination of his insanity, the court may commit him to a state hospital for the insane under such limitations as it may order. The court may in its discretion employ one or more experts in insanity, or other physicians qualified as provided in section thirty-two, to examine the defendant, and all reasonable expenses incurred shall be audited and paid as in the case of other court expenses. A copy of the complaint or indictment and of the medical certificates attested by the clerk shall be delivered with such person in accordance with the provisions of the said section. If a person so removed is in the opinion of the trustees and superintendent of the hospital restored to sanity, he shall forthwith be returned to the jail or custody from which he was removed, where he shall be held in accordance with the terms of the process by which he was originally committed or confined.

Disposition of insane prisoner, 1891, 379, § 12.  
Insane prisoner to be sent to hospital, 1849, 68.  
G. S. 172, § 14.  
P. S. 214, § 16.  
R. L. 219, § 11, 12.  
Certain persons under indictment may be committed to a state insane hospital, St. 1904, 257.

COMMITMENT OF PERSON ACQUITTED OF MURDER, ETC., BY REASON OF INSANITY.

SECTION 104. If a person who is indicted for murder or manslaughter is acquitted by the jury by reason of insanity, the court shall order him to be committed to a state hospital for the insane during his natural life, and

Commitment of person acquitted of murder, etc., by reason of insanity, 1873, 227.

P. S. 214,  
 §§ 20, 21.  
 1895, 390, § 7.  
 136 Mass. 489.  
 R. L. 219, § 16.

he may be discharged therefrom by the governor, with the advice and consent of the council, when he is satisfied after an investigation by the state board of insanity that such person may be discharged without danger to others.

#### EXAMINATION OF ALLEGED INSANE PRISONERS.

Removal of  
 insane prison-  
 ers from state  
 prison and  
 reformatories.  
 1844, 120.  
 1856, 135.  
 G. S. 180,  
 §§ 1-3.  
 1862, 8.  
 1880, 250, § 5.  
 P. S. 222,  
 §§ 10, 11.  
 1885, 320,  
 §§ 1, 2.  
 1886, 101, 4.  
 1895, 390, § 3.  
 1898, 433,  
 §§ 24, 28.  
 173 Mass. 550.  
 (1 Op. A. G.  
 113.)  
 R. L. 225, § 101  
 Removal of  
 insane prison-  
 ers, etc.  
 195 Mass. 45.  
 St. 1906, 472.

SECTION 105. The state board of insanity shall designate two persons, experts in insanity, to examine prisoners in the state prison, the Massachusetts reformatory, or the reformatory prison for women, who are alleged to be insane. If any such prisoner appears to be insane, the warden or superintendent shall notify one or both of the persons so designated, who shall, with the physician of the prison, examine the prisoner and report the result of their investigation to the superior court of the county in which the prison is situated. If, upon such report, the court considers the prisoner to be insane and his removal expedient, it shall issue a warrant, directed to the warden or superintendent, authorizing him to cause the prisoner, if a male, to be removed to the Bridgewater state hospital and, if a female, to be removed to one of the state hospitals for the insane, there to be kept until, in the judgment of the superintendent and the trustees of the hospital to which the prisoner has been committed, he or she should be returned to prison. When the superintendent and trustees determine that the prisoner should be so returned, they shall so certify upon the said warrant, and notice, accompanied by a written statement regarding the mental condition of the prisoner, shall be given to the warden or superintendent of the prison, who shall thereupon cause the prisoner to be reconveyed to the prison, there to remain pursuant to the original sentence, computing the time of his detention or confinement in the hospital as part of the term of his imprisonment. The person who makes such examination of the prisoner shall, if he is not a salaried officer of the state board of insanity, receive four dollars for each examination and twenty cents for each mile travelled one way, which shall be paid from the annual appropriation of the prison in which the prisoner is examined.

Removal of  
 insane prison-  
 ers, etc., in  
 other prisons.  
 R. S. 145,  
 §§ 1, 2.

SECTION 106. If a prisoner under sentence in a jail, house of correction, or prison other than those named in the preceding section, appears to be insane, the physician



in attendance shall make a report thereof to the jailor or master who shall transmit the same to one of the judges mentioned in section twenty-nine. If the judge finds, in accordance with the provisions of sections eleven, twenty-nine and thirty, that the prisoner is insane and that his removal is expedient, he shall order his removal to the Bridgewater state hospital or to any of the other state hospitals for the insane, if in the opinion of the judge the prisoner has not been criminal or vicious in his life, pursuant to the provisions of the said sections; *provided*, that no female shall be removed to the Bridgewater state hospital. A physician, other than the physician in attendance at the place of detention, making the certificate, shall be entitled to the compensation provided by section forty-eight. If a person so removed is in the opinion of the trustees and superintendent of the hospital restored to sanity, he shall forthwith be returned to the prison or house of correction from which he was removed, there to remain pursuant to the original sentence computing the time of detention or confinement in the hospital as part of the term of imprisonment.

1853, 259.  
G. S. 180,  
§§ 4, 5.  
1880, 250, § 6.  
P. S. 222,  
§§ 12, 13.  
1895, 390, § 3.  
195 Mass. 45.  
R. L. 225, § 102.

Proviso.

SECTION 107. Sections forty-two, forty-three and forty-four of chapter eighty-five, chapter eighty-seven and amendments thereof, section six of chapter one hundred and forty-five as amended by section one of chapter one hundred and sixty-nine of the acts of the year nineteen hundred and seven, section twenty of chapter one hundred and forty-five, section thirteen of chapter one hundred and forty-six, sections eleven and twelve of chapter two hundred and nineteen as amended by chapter two hundred and fifty-seven of the acts of the year nineteen hundred and four, section sixteen of said chapter two hundred and nineteen, section one hundred and one of chapter two hundred and twenty-five as amended by section one of chapter four hundred and seventy-two of the acts of the year nineteen hundred and six, and sections one hundred and two and one hundred and three of chapter two hundred and twenty-five of the Revised Laws; chapter five hundred and forty-two of the acts of the year nineteen hundred and two; chapters three hundred and twenty-one, four hundred and four hundred and ten of the acts of the year nineteen hundred and three; chapters two hundred and eighty-two, three hundred and fifty-four and four

Repeal.

hundred of the acts of the year nineteen hundred and five; chapters three hundred and nine, three hundred and thirteen, three hundred and sixteen and sections one, two, three, four, five, six, seven, eight, twelve, thirteen, fourteen, fifteen, sixteen and seventeen of chapter five hundred and eight of the acts of the year nineteen hundred and six; chapters four hundred and thirty-two and four hundred and eighty-nine of the acts of the year nineteen hundred and seven; and sections one, two and four of chapter six hundred and thirteen, and chapter six hundred and twenty-nine of the acts of the year nineteen hundred and eight, and all acts and parts of acts inconsistent herewith, are hereby repealed.

Construction  
of act.

SECTION 108. The provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments; and the repeal by this act of any provision of law shall not revive any law heretofore repealed or superseded; it shall not affect any act done, liability incurred, or any right accrued and established, or any suit or prosecution, civil or criminal, pending or to be instituted, to enforce any right or penalty or punish any offence under the authority of the repealed laws; and any person who at the time when said repeal takes effect holds office under any of the laws repealed shall continue to hold such office according to the tenure thereof.

When to take  
effect.

SECTION 109. This act shall take effect on the first day of July in the year nineteen hundred and nine.

*Approved June 16, 1909.*

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*Chap. 505* AN ACT RELATIVE TO THE SANITARY CONDITION OF THE  
MERRIMAC RIVER AND ITS TRIBUTARIES.

*Be it enacted, etc., as follows:*

Examination  
of the sanitary  
condition of  
the Merrimac  
river, etc.

SECTION 1. The state board of health shall at such times as it may deem proper examine the bed, banks, and waters of the Merrimac river and of streams tributary or adjacent thereto in any city or town bordering upon said river or streams. Whenever the board shall determine that the condition of said river or streams or of the banks thereof is injurious or dangerous to public health, or likely to become injurious or dangerous to public health, by reason of the entrance of sewage or of refuse from fac-

tories or from other causes, said board shall prepare a plan or plans for removing the cause of such injury or danger, and shall report the same to the general court.

SECTION 2. This act shall take effect upon its passage.

*Approved June 16, 1909.*

AN ACT RELATIVE TO THE BRIDGE OVER THE MERRIMAC RIVER BETWEEN THE CITY OF NEWBURYPORT AND DEER ISLAND IN THE TOWN OF AMESBURY.

*Chap.506*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter six hundred and forty of the acts of the year nineteen hundred and eight is hereby amended by striking out the word "forty", in the last line, and inserting in place thereof the words: — sixty-eight, — so as to read as follows: — *Section 1.* Subject to the provisions of chapter ninety-six of the Revised Laws and of all amendments thereof, the county commissioners of the county of Essex are hereby authorized and directed to repair or reconstruct, with suitable approaches, the chain bridge in its present form, over the Merrimac river between the city of Newburyport and Deer Island in the town of Amesbury at an expense not exceeding sixty-eight thousand dollars.

1908, 640, § 1,  
amended.

Chain bridge  
over the  
Merrimac  
river may be  
repaired, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved June 16, 1909.*

AN ACT TO CONFIRM THE ORGANIZATION AND ACTS OF THE MARIA HAYES HOME FOR AGED PERSONS.

*Chap.507*

*Be it enacted, etc., as follows:*

SECTION 1. The acts of the persons named in chapter three hundred and thirty of the acts of the year nineteen hundred and four in organizing the Maria Hayes Home for Aged Persons, are hereby confirmed and made valid notwithstanding any delay or informality, error or omission in performing the same.

Acts of cer-  
tain persons  
confirmed.

SECTION 2. The conveyances of real estate heretofore made by the said corporation, and all other acts done by it are hereby confirmed and made valid.

Conveyance  
of real estate  
made valid.

SECTION 3. The election on the twenty-seventh day of April, nineteen hundred and nine, of Patrick H. Cooney,

Election of  
certain person  
to membership

in the corpora-  
tion confirmed.

Henry C. Mulligan and Charles G. Bancroft as associates or members of the corporation is hereby confirmed and made valid, and the corporation is declared to have the power of electing, at any properly called meeting, additional associates or members, to the number provided for by the by-laws.

Election of  
officers con-  
firmed.

SECTION 4. The election of officers and other acts done at the meeting held on the eighth day of May, nineteen hundred and nine, are hereby confirmed, and the corporation is declared to have full legal standing.

All acts of the  
corporation  
made valid.

The purpose of this act is to confirm and make valid everything that has been done or attempted to be done under the said chapter three hundred and thirty.

*Approved June 16, 1909.*

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**Chap. 508** AN ACT FOR THE PROTECTION OF SHORE, MARSH AND  
BEACH BIRDS.

*Be it enacted, etc., as follows:*

Protection of  
certain game  
birds.

SECTION 1. It shall be unlawful to take, kill or pursue with intent to kill, or to buy, sell, offer for sale, or have in possession any of the Limicolæ, known as peeps, plover, snipe or sandpipers, or any of the Rallidæ known as rails, gallinules and quarks or mud hens, all of which birds are known collectively as shore, marsh or beach birds, between the thirty-first day of December and the first day of August following, or a piping plover or a kildeer plover at any time: *provided, however*, that this act shall not be construed to prohibit the possession in public storage warehouses of any of the said birds deposited therein during the season when the same may lawfully be taken; and *provided, further*, that nothing in this act shall prohibit the taking or possession of the said birds by incorporated natural history associations or museums or by holders of certificates lawfully authorizing the collection of specimens for scientific purposes.

Provisos.

Permit may  
be issued,  
etc.

SECTION 2. The commissioners on fisheries and game may, in their discretion, and under such restrictions as they may impose, permit any person to bring into the commonwealth any of the aforesaid birds to a number not exceeding fifty in any one year, during the close season: *provided*, that such birds shall not be sold or otherwise disposed of for profit.

Proviso.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, except that part of section five of chapter ninety-two of the Revised Laws, as amended by chapter one hundred and sixty-two of the acts of the year nineteen hundred and three and by chapter four hundred and fourteen of the acts of the year nineteen hundred and five, relative to the Bartramian sandpiper, also called upland plover, and that part of section one of chapter four hundred and forty-one of the acts of the year nineteen hundred and eight relative to the protection of woodcock.

Repeal, etc.

SECTION 4. Whoever violates any provision of this act shall be punished by a fine of not less than twenty dollars for each offence.

Penalty.

*Approved June 18, 1909.*

AN ACT RELATIVE TO THE AMHERST WATER COMPANY.

*Chap. 509*

*Be it enacted, etc., as follows:*

SECTION 1. Section five of chapter one hundred and seventy-nine of the acts of the year eighteen hundred and eighty, as amended by section three of chapter one hundred and ninety-eight of the acts of the year nineteen hundred and three, is hereby further amended by striking out the words "real and personal property", in the third line, and inserting in place thereof the word:—lands, — and by inserting after the word "hundred", in the fifth line, the words:—and fifty,— and by striking out at the end of said section the words "and said corporation may at any time issue bonds to an amount equal to the capital stock actually paid in", so as to read as follows:—*Section 5.* Said corporation for the purposes set forth in this act may hold lands not exceeding fifty thousand dollars in value; and the whole capital stock shall not exceed one hundred and fifty thousand dollars to be divided into shares of one hundred dollars each.

1880, 179. § 5.  
etc., amended.

Capital stock  
increased, etc.

SECTION 2. The Amherst Water Company is hereby authorized to build a new dam and reservoir, to plant trees and to extend, improve and protect its water supply in the towns of Amherst and Pelham in such ways as the company may deem expedient, and may take or acquire by purchase or otherwise, such lands, rights of way and easements as may be necessary for the purposes of this act in the manner prescribed in section three of said chap-

New dam and  
reservoir may  
be built, etc.



ter one hundred and seventy-nine, as amended by section two of said chapter one hundred and ninety-eight.

Sources of water supply to be approved by the state board of health, etc.

SECTION 3. No source of water supply for domestic purposes and no lands necessary for preserving the quality of such water shall be acquired by the said company without first obtaining the advice and approval of the state board of health, and the location of all dams, reservoirs or wells to be used as sources of water supply under this act shall be subject to the approval of said board.

SECTION 4. This act shall take effect upon its passage.

*Approved June 18, 1909.*

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**Chap.510** AN ACT TO PROVIDE FOR PROTECTING THE WESTERLY BANK OF THE CONNECTICUT RIVER IN THE CITY OF NORTHAMPTON.

*Be it enacted, etc., as follows:*

Protecting the westerly bank of the Connecticut river in Northampton.

The board of harbor and land commissioners is hereby directed to construct riprap work on the westerly or Northampton side of the Connecticut river, from the property owned by Florins W. Carrier to a point ten rods below land owned by the Holyoke Canoe Club, and may expend for this purpose a sum not exceeding fifteen hundred dollars.

*Approved June 18, 1909.*

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**Chap.511** AN ACT TO PROVIDE FOR THE IMPROVEMENT OF A HIGHWAY IN THE COUNTY OF BERKSHIRE.

*Be it enacted, etc., as follows:*

Improvement of a certain highway in the county of Berkshire.

SECTION 1. The Massachusetts highway commission is hereby authorized to expend the sum of twenty-five thousand dollars during the present year in the construction and improvement of the highway between the present easterly terminus of the state highway in the town of Lee and the present westerly terminus of the state highway in the town of Becket, in order that said way may be made safe and convenient for public travel. Neither said way nor any part thereof shall thereby become a state highway, but the way shall be maintained and kept in good repair by the town or towns in which it is situated until such time as it shall become a state highway. This act shall not be construed as prohibiting the laying out and construction of said way or any part thereof as a state high-

Not to become a state highway etc.

way under the laws applicable thereto whenever said commission shall deem it expedient so to do. Any unexpended balance of the sum hereby authorized to be expended may be used in the succeeding year for the same purpose.

SECTION 2. For the purpose of meeting the expenditures authorized by this act, the treasurer and receiver general is hereby empowered to issue bonds or certificates of indebtedness to an amount not exceeding fifteen thousand dollars, in the manner provided by section two of chapter six hundred and sixteen of the acts of the year nineteen hundred and eight, and said commission may expend in addition the sum of ten thousand dollars out of any appropriation made during the present year for the maintenance of state highways. The provisions of section twelve of chapter forty-seven of the Revised Laws shall apply to all expenditures made under authority of this act.

Treasurer and receiver general may issue bonds, etc.

SECTION 3. This act shall take effect upon its passage.

*Approved June 18, 1909.*

AN ACT TO AUTHORIZE COLLECTORS OF TAXES IN CERTAIN TOWNS TO CHARGE FEES FOR THE MAKING OF WRITTEN DEMANDS.

*Chap. 512*

*Be it enacted, etc., as follows:*

SECTION 1. In towns where the collector is paid a commission in lieu of a salary he shall be entitled to charge a fee of twenty cents for making the written demands provided for by law.

Fees may be charged in certain cases.

SECTION 2. This act shall take effect upon its passage.

*Approved June 18, 1909.*

AN ACT RELATIVE TO THE APPORTIONMENT RATE OF CORPORATE FRANCHISE TAXES.

*Chap. 513*

*Be it enacted, etc., as follows:*

SECTION 1. Section two hundred and fourteen of Part II of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended by inserting after the word "rate", in the fourth line, the words:—equal to the average of the annual rates for the three years preceding the year in which the assess-

1906, 463, Part II., § 214, amended.

ment is laid, the annual rate to be, — by inserting after the word “Laws”, in the ninth line, the words: — and amendments thereof, — by inserting after the word “chapter”, in the eleventh line, the words: — and amendments thereof, — by striking out the words “prior to the twentieth day of”, in the twelfth and thirteenth lines, and inserting in place thereof the words: — on or before the first Monday of, — by striking out the words “said secretary of the commonwealth”, in the fifteenth line, and inserting in place thereof the words: — the tax commissioner, — and by striking out the words “said secretary”, in the eighteenth line, and inserting in place thereof the words: — the tax commissioner, — so as to read as follows: — *Section 214.* Every railroad corporation shall annually pay a tax upon its corporate franchise, after making the deductions provided for in section two hundred and twelve, at a rate equal to the average of the annual rates for the three years preceding the year in which the assessment is laid, the annual rate to be determined by an apportionment of the whole amount of money to be raised by taxation upon property in the commonwealth during the same year as returned by the assessors of the several cities and towns under the provisions of section ninety-three of chapter twelve of the Revised Laws and amendments thereof upon the aggregate valuation of all cities and towns for the preceding year as returned under sections sixty and sixty-one of said chapter and amendments thereof; but if the return from any city or town is not received on or before the first Monday of August, the amount raised by taxation in said city or town for the preceding year, as certified to the tax commissioner, may be adopted for the purpose of this determination. The amount of tax assessed upon polls for the preceding year, as certified to the tax commissioner, may be taken as the amount of poll tax to be deducted from the whole amount to be raised by taxation, in ascertaining the amount to be raised upon property.

Tax  
to be paid  
on corporate  
franchise, etc.

1906, 463.  
Part III., § 128,  
amended.

SECTION 2. Section one hundred and twenty-eight of Part III of said chapter four hundred and sixty-three is hereby amended by inserting after the word “rate”, in the fifth line, the words: — equal to the average of the annual rates for the three years preceding the year in which the assessment is laid, the annual rate to be, — by inserting

after the word "Laws", in the tenth line, the words:— and amendments thereof,— by inserting after the word "chapter", in the twelfth line, the words:— and amendments thereof,— by striking out the words "prior to the twentieth day of", in the thirteenth and fourteenth lines, and inserting in place thereof the words:— on or before the first Monday of,— by striking out the words "secretary of the commonwealth", in the sixteenth line, and inserting in place thereof the words:— tax commissioner,— and by striking out the words "said secretary", in the nineteenth line, and inserting in place thereof the words:— the tax commissioner,— so as to read as follows:—

*Section 128.* Every street railway company subject to the provisions of section one hundred and twenty-five shall annually pay a tax upon its corporate franchise, after making the deductions provided for in section one hundred and twenty-six, at a rate equal to the average of the annual rates for the three years preceding the year in which the assessment is laid, the annual rate to be determined by an apportionment of the whole amount of money to be raised by taxation upon property in the commonwealth during the same year as returned by the assessors of the several cities and towns under the provisions of section ninety-three of chapter twelve of the Revised Laws and amendments thereof upon the aggregate valuation of all cities and towns for the preceding year as returned under sections sixty and sixty-one of said chapter and amendments thereof; but if the return from any city or town is not received on or before the first Monday of August, the amount raised by taxation in said city or town for the preceding year, as certified to the tax commissioner, may be adopted for the purpose of this determination. The amount of tax assessed upon polls for the preceding year, as certified to the tax commissioner, may be taken as the amount of poll tax to be deducted from the whole amount to be raised by taxation, in ascertaining the amount to be raised upon property.

Tax  
to be paid  
on corporate  
franchise, etc.

SECTION 3. Section seventeen of chapter five hundred and sixteen of the acts of the year nineteen hundred and six is hereby amended by inserting after the word "rate", in the fourth line, the words:— equal to the average of the annual rates for the three years preceding the year in which the assessment is laid, the annual rate to be,— by

1906, 516, § 17,  
amended.

inserting after the word "Laws", in the ninth line, the words:— and amendments thereof,— by inserting after the word "chapter", in the twelfth line, the words:— and amendments thereof,— by striking out the words "prior to the twentieth day of", in the thirteenth line, and inserting in place thereof the words:— on or before the first Monday of,— by striking out the words "secretary of the commonwealth", in the fifteenth and sixteenth lines, and inserting in place thereof the words:— tax commissioner,— and by striking out the words "said secretary", in the eighteenth line, and inserting in place thereof the words:— the tax commissioner,— so as to read as follows:— *Section 17.* Every electric railroad company subject to the provisions of section fourteen shall annually pay a tax upon its corporate franchise, after making the deductions provided for in section fifteen, at a rate equal to the average of the annual rates for the three years preceding the year in which the assessment is laid, the annual rate to be determined by an apportionment of the whole amount of money to be raised by taxation upon property in the commonwealth during the same year as returned by the assessors of the several cities and towns under the provisions of section ninety-three of chapter twelve of the Revised Laws and amendments thereof upon the aggregate valuation of all cities and towns for the preceding year as returned under sections sixty and sixty-one of said chapter and amendments thereof; but if the return from any city or town is not received on or before the first Monday of August, the amount raised by taxation in such city or town for the preceding year, as certified to the tax commissioner, may be adopted for the purpose of this determination. The amount of tax assessed upon polls for the preceding year, as certified to the tax commissioner, may be taken as the amount of poll tax to be deducted from the whole amount to be raised by taxation, in ascertaining the amount to be raised upon property.

SECTION 4. This act shall take effect upon its passage.

*Approved June 18, 1909.*

Tax  
to be paid  
on corporate  
franchise, etc.



AN ACT TO CODIFY THE LAWS RELATING TO LABOR. *Chap. 514*  
*Be it enacted, etc., as follows:*

FREE EMPLOYMENT OFFICES.

SECTION 1. There shall be established and maintained, under the care and direction of the director of the bureau of statistics, in such cities as may be selected after proper investigation by said director, and with the approval of the governor and council, employment offices for the purpose of bringing together those who seek employment and those who desire to employ.

Establishment of free employment offices.  
 1906, 435, § 1.

SECTION 2. The director of said bureau shall appoint for each of the offices provided for in the preceding section a superintendent who shall, under the direction of said director, perform the duties hereinafter set forth or such as he may require. The director may also appoint an assistant superintendent and such clerks as he may deem necessary for the proper conduct of the business of said employment offices. The furniture and fixtures of said employment offices shall be provided by the sergeant-at-arms in the manner and under the restrictions specified in section four of chapter ten of the Revised Laws for buildings or parts of buildings leased to the commonwealth. The location of each office established under the provisions of this act shall be plainly indicated by a proper sign or signs.

Superintendent, assistants and clerks.  
 1906, 435, § 2.  
 1908, 485, § 1.

SECTION 3. The superintendents of said employment offices shall receive applications from those seeking employment and from those desiring to employ, and shall register them in such manner as may be prescribed by the director of said bureau, and shall take such other action as the director may deem best to promote the purposes of said offices.

Duties of superintendents.  
 1906, 435, § 3.  
 1908, 485, § 2.

SECTION 4. No fees, direct or indirect, shall in any case be taken from those seeking the benefits of said employment offices. Any superintendent or clerk who directly or indirectly charges or receives any fee in the performance of his duties shall be punished by a fine of not more than one hundred dollars or by imprisonment in jail for a term

Taking of fees, etc., forbidden.  
 1906, 435, §§ 4, 7.  
 1908, 485, § 3.

not exceeding thirty days, and shall be disqualified from holding further connection with said office.

SECTION 5. In registering applications for employment and for employees wanted, preference shall be given to residents of the commonwealth.

SECTION 6. Each superintendent shall make to the director of said bureau such reports of applications for labor or employment and of other details of the work of his office as the director may require. The director shall cause reports showing the business of the several offices to be prepared at regular intervals and to be exchanged among the said offices, and shall supply them to the newspapers and to citizens upon request; and the several superintendents shall cause such reports to be posted in a conspicuous place in their offices so that they may be open to public inspection.

SECTION 7. There shall be allowed and paid out of the treasury of the commonwealth, upon the approval of the director of the bureau, for salaries and for contingent expenses in connection with the establishment and maintenance of free employment offices as herein provided for, such sum as the general court may annually appropriate therefor. The annual salary of the superintendents and of such clerk as may be appointed in each office to act as chief clerk or assistant superintendent shall be fixed by the director of said bureau subject to the approval of the governor and council.

SECTION 8. The director of the bureau of statistics is hereby authorized to furnish weekly to the clerks of all cities and towns in the commonwealth printed bulletins showing the demand for employment, classified by occupations to such extent as may be practicable and indicating the city or town in which the employees are wanted. Such information shall be based upon the applications for employees made at the free employment offices under the jurisdiction of said bureau.

SECTION 9. Every city and town clerk shall post the lists received as aforesaid in one or more conspicuous places in the city or town. A city or town clerk who fails to comply with the provisions of this section shall be punished by a fine not exceeding ten dollars.

Preference in  
registering to  
be given to  
citizens.  
1906, 435, § 5.  
1908, 485, § 4.  
Reports by  
superintend-  
ents, distribu-  
tion and pub-  
lication of.  
1906, 435, § 6.  
1908, 485, § 5.

Salaries and  
contingent  
expenses.  
1906, 435, § 8.  
1907, 135.  
1908, 485, § 6.

Bulletins as  
to demand for  
employment.  
1908, 306, § 1.

Posting  
of bulletins.  
1908, 306,  
§§ 2, 3.

STATE BOARD OF CONCILIATION AND ARBITRATION.

SECTION 10. There shall be a state board of conciliation and arbitration consisting of three persons one of whom shall, annually, in June, be appointed by the governor, with the advice and consent of the council, for a term of three years from the first day of July following. One member of said board shall be an employer, or shall be selected from an association representing employers of labor, one shall be selected from a labor organization and shall not be an employer of labor and the third shall be appointed upon the recommendation of the other two, or if the two appointed members do not, at least thirty days prior to the expiration of a term, or within thirty days after the happening of a vacancy, agree upon the third member, he shall then be appointed by the governor. Each member shall, before entering upon the duties of his office be sworn to the faithful performance thereof, and shall receive a salary at the rate of two thousand five hundred dollars a year and his necessary travelling expenses and other expenses, which shall be paid by the commonwealth. The board shall choose from its members a chairman, and may appoint, and may remove, a secretary of the board and may allow him a salary of not more than fifteen hundred dollars a year. The board shall, from time to time, establish such rules of procedure as shall be approved by the governor and council, and shall, annually, on or before the first day of February make a report to the general court.

State board of conciliation and arbitration.  
R. L. 106, § 1.  
1904, 399.

*Duties and Powers.*

SECTION 11. If it appears to the mayor of a city or to the selectmen of a town that a strike or lock-out described in this section is seriously threatened or actually occurs, he or they shall at once give notice to the state board; and such notice may be given by the employer or by the employees concerned in the strike or lock-out. If, when the state board has knowledge that a strike or lock-out, which involves an employer and his present or former employees, is seriously threatened or has actually occurred, such employer, at that time, is employing, or upon the occurrence of the strike or lock-out, was employing, not less than twenty-five persons in the same general line of

Conciliation.  
R. L. 106, § 2.  
1902, 446.  
1904, 313, § 1.

business in any city or town in the commonwealth, the state board shall, as soon as may be, communicate with such employer and employees and endeavor by mediation to obtain an amicable settlement or endeavor to persuade them, if a strike or lock-out has not actually occurred or is not then continuing, to submit the controversy to a local board of conciliation and arbitration or to the state board. Said state board shall investigate the cause of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause and assigning such responsibility or blame. Said board shall, upon the request of the governor, investigate and report upon a controversy if in his opinion it seriously affects, or threatens seriously to affect, the public welfare. The board shall have the same powers for the foregoing purposes as are given to it by the provisions of the four following sections.

Arbitration.  
R. L. 106, § 3.  
1904, 313, § 2.

SECTION 12. If a controversy which does not involve questions which may be the subject of an action at law or suit in equity exists between an employer, whether an individual, a partnership or corporation employing not less than twenty-five persons in the same general line of business, and his employees, the board shall, upon application as hereinafter provided, and as soon as practicable, visit the place where the controversy exists and make careful inquiry into its cause, and may, with the consent of the governor, conduct such inquiry beyond the limits of the commonwealth. The board shall hear all persons interested who come before it, advise the respective parties what ought to be done or submitted to by either or both to adjust said controversy, and make a written decision thereof which shall at once be made public, shall be open to public inspection and shall be recorded by the secretary of said board. A short statement thereof may, in the discretion of the board, be published in the annual report, and the board shall cause a copy thereof to be filed with the clerk of the city or town in which said business is carried on. Said decision shall, for six months, be binding upon the parties who join in said application, or until the expiration of sixty days after either party has given notice in writing to the other party and to the board of his intention not to be bound thereby. Such notice may be given to said em-

ployees by posting it in three conspicuous places in the shop or factory where they work.

SECTION 13. Said application shall be signed by the employer or by a majority of his employees in the department of the business in which the controversy exists, or by their duly authorized agent, or by both parties, and if signed by an agent claiming to represent a majority of the employees, the board shall satisfy itself that he is duly authorized so to do; but the names of the employees giving the authority shall be kept secret. The application shall contain a concise statement of the existing controversy and a promise to continue in business or at work without any lock-out or strike until the decision of the board, if made within three weeks after the date of filing the application. The secretary of the board shall forthwith, after such filing, cause public notice to be given of the time and place for a hearing on the application, unless both parties join in the application and present therewith a written request that no public notice be given. If such request is made, notice of the hearings shall be given to the parties in such manner as the board may order, and the board may give public notice thereof notwithstanding such request. If the petitioner or petitioners fail to perform the promise made in the application, the board shall proceed no further thereon without the written consent of the adverse party.

Application to  
state board.  
R. L. 106, § 4.  
1904, 313, <sup>amended</sup> 3.

SECTION 14. In all controversies between an employer and his employees in which application is made under the provisions of the preceding section, each party may, in writing, nominate fit persons to act in the case as expert assistants to the board and the board may appoint one from among the persons so nominated by each party. Said experts shall be skilled in and conversant with the business or trade concerning which the controversy exists, they shall be sworn by a member of the board to the faithful performance of their official duties and a record of their oath shall be made in the case. Said experts shall, if required, attend the sessions of the board, and shall, under direction of the board, obtain and report information concerning the wages paid and the methods and grades of work prevailing in establishments within the commonwealth similar to that in which the controversy exists, and they may submit to the board at any time before a final decision any facts, advice, arguments or suggestions which they may consider

Expert  
assistants.  
R. L. 106, § 5.  
1904, 313, § 4.



applicable to the case. No decision of said board shall be announced in a case in which said experts have acted without notice to them of a time and place for a final conference on the matters included in the proposed decision. Such experts shall receive from the commonwealth seven dollars each for every day of actual service and their necessary travelling expenses. The board may appoint such additional experts as it considers necessary, who shall be qualified in like manner and, under the direction of the board, shall perform like duties and be paid the same fees as the experts who are nominated by the parties.

Attendance of  
witnesses.  
R. L. 106, § 6.

SECTION 15. The board may summon as witnesses any operative and any person who keeps the record of wages earned in the department of business in which the controversy exists and may examine them upon oath and require the production of books which contain the record of wages paid. Summonses may be signed and oaths administered by any member of the board. Witnesses summoned by the board shall be allowed fifty cents for each attendance, and also twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way between their respective places of employment or business and the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance and the amount due him shall be paid forthwith by the board, for which purpose the board may have money advanced to it from the treasury of the commonwealth as provided in section thirty-five of chapter six of the Revised Laws as amended by section one of chapter three hundred and sixty-nine of the acts of the year nineteen hundred and five.

Local boards  
of conciliation  
and arbitration.  
R. L. 106, § 7.

SECTION 16. The parties to any controversy described in section thirteen of this act may submit such controversy in writing to a local board of conciliation and arbitration which may either be mutually agreed upon or may be composed of three arbitrators, one of whom may be designated by the employer, one by the employees or their duly authorized agent and the third, who shall be chairman, by the other two. Such board shall have and exercise, relative to the matters referred to it, all the powers of the state board, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. Such board shall have exclusive

jurisdiction of the controversy submitted to it, but it may ask the advice and assistance of the state board. The decision of such board shall be rendered within ten days after the close of any hearing held by it; and shall forthwith be filed with the clerk of the city or town in which the controversy arose, and a copy thereof shall be forwarded by said clerk to the state board. Each of such arbitrators shall be entitled to receive from the treasury of the city or town in which the controversy submitted to them arose, with the approval in writing of the mayor of such city or of the selectmen of such town, the sum of three dollars for each day of actual service, not exceeding ten dollars for any one arbitration.

#### GENERAL PROVISIONS.

SECTION 17. The following words and phrases as used in all laws relative to the employment of labor shall, unless a different meaning is plainly required by the context, have the following meanings:—

Definitions.  
R. L. 106, § 8.

“Bleaching works” shall mean any premises in which the process of bleaching yarn or cloth of any material is carried on.

“Child” or “Minor” shall mean a person under eighteen years of age.

“Dyeing works” shall mean any premises in which the process of dyeing yarn or cloth of any material is carried on.

“Factory” shall mean any premises where steam, water or other mechanical power is used in aid of any manufacturing process there carried on.

“Glass works” shall mean any premises in which the manufacture of glass is carried on.

“Iron works” shall mean a mill, forge or other premises in or upon which any process is carried on for converting iron into malleable iron, steel or tin plate, or for otherwise making or converting steel.

“Letter press establishments” shall mean any premises in which the process of letter press printing is carried on.

“Manufacturing establishments” shall mean any premises, room or place used for the purpose of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article.

Definitions,  
etc.

“Mechanical establishments” shall mean any premises, other than a factory as above defined, in which machinery is employed in connection with any work or process carried on therein.

“Mercantile establishments” shall mean any premises used for the purposes of trade in the purchase or sale of any goods or merchandise, and any premises used for the purposes of a restaurant or for publicly providing and serving meals.

“Paper mills” shall mean any premises in which the manufacture of paper is carried on.

“Person” shall mean an individual, corporation, partnership, company or association.

“Print works” shall mean any premises in which is carried on the process of printing figures, patterns or designs upon cotton, linen, woollen, worsted or silken yarn or cloth, or upon any woven or felted fabric which is not paper.

“Public building” shall mean any building or premises used as a public or private institution, church, theatre, public hall, place of public entertainment, resort or assemblage.

“School house” shall mean any building or premises in which public or private instruction is afforded to not less than ten pupils at one time.

“Woman” shall mean a woman eighteen years of age or over.

“Workshop” shall mean any premises, room or place, which is not a factory as above defined, wherein manual labor is exercised by way of trade or for purposes of gain in or incidental to a process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to which or over which premises, room or place the employer of the persons working therein has the right of access or control; but the exercise of such manual labor in a private house or private room by the family dwelling therein or by any of them or if a majority of the persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition.

“Young person” shall mean a person of the age of fourteen years and under the age of eighteen years.

SECTION 18. No person shall, by intimidation or force, prevent or seek to prevent a person from entering into or continuing in the employment of any person or corporation.

Intimidation of employees prohibited.  
R. L. 106, § 11.

SECTION 19. No person shall, himself or by his agent, coerce or compel a person into a written or oral agreement not to join or become a member of a labor organization as a condition of his securing employment or continuing in the employment of such person.

Membership in labor organizations not to be forbidden.  
R. L. 106, § 12.

SECTION 20. Every employee in public work shall lodge, board and trade where and with whom he elects, and no person or his agents or employees under contract with the commonwealth, a municipal corporation or a county, or with a board, commission or officer acting therefor, for the doing of public work shall, directly or indirectly, require, as a condition of employment therein, that the employee shall lodge, board or trade at a particular place or with a particular person. The provisions of this section shall be made a part of the contract for such employment, and whoever violates the provisions thereof shall be punished by a fine of not more than one hundred dollars for each offence.

Right of employee in public work to select lodging, etc.  
R. L. 106, § 13.

SECTION 21. In the employment of mechanics and laborers in the construction of public works by the commonwealth, or by a county, city or town, or by persons contracting therewith, preference shall be given to citizens of the commonwealth, and, if they cannot be obtained in sufficient numbers, then to citizens of the United States; and every contract for such works shall contain a provision to this effect. Any contractor who knowingly and wilfully violates the provisions of this section shall be punished by a fine of not more than one hundred dollars for each offence.

Preference to citizen mechanics and laborers.  
R. L. 106, § 14.  
1904, 311.

SECTION 22. A person to whom a debt is due for labor which has been performed in constructing a building, sewer or drain, or water works or other public works, owned by a city or town under a contract with any person having authority from or rightfully acting for such city or town in furnishing such labor, shall have a right of action against such city or town to recover such debt if, within thirty days after he ceases to perform such labor, he files in the clerk's office of the city or town against which he claims such right of action a written statement, under oath, of

Actions against towns for labor.  
R. L. 25, § 57.

the amount of the debts so due to him, and the names of the persons for whom and by whose employment the labor was performed, and if, within sixty days after he ceases to perform such labor, he commences such action. Such right of action shall not be lost by reason of a mistake in stating the amount due; but the claimant shall not recover as damages a larger amount than is named in said statement as due to him, with interest. No person who has contracted to furnish labor other than his own in such construction shall have such right of action.

Security for  
payment for  
labor on  
public works.  
1904, 349.

SECTION 23. Officers or agents who contract in behalf of any county, city or town for the construction or repair of public buildings or other public works shall obtain sufficient security, by bond or otherwise, for payment by the contractor and sub-contractors for labor performed or furnished and for materials used in such construction or repair; but in order to obtain the benefit of such security the claimant shall file with such officers or agents a sworn statement of his claim within sixty days after the completion of the work.

Railroads, etc.,  
not to require  
indemnity  
from  
employees.  
R. L. 106, § 15.

SECTION 24. A corporation which is engaged in carrying passengers or in transporting freight for hire shall not require or receive from a person who is employed or about to be employed by it a bond or other security, either with or without surety, to indemnify such corporation against loss or damage to other persons or to property resulting from the act or neglect of such person, except a bond to account for money or other property of such corporation. A corporation or a person in its behalf who violates the provisions of this section shall be punished by a fine of not more than fifty dollars for the first offence and of not more than one hundred dollars for each subsequent offence.

Employment  
by public  
service corporations  
restricted.  
1903, 320,  
§§ 1, 3.

SECTION 25. No railroad, street railway, electric light, gas, telegraph, telephone, water or steamboat company shall appoint, promote, reinstate, suspend or discharge any person employed or seeking employment by any such company at the request of the governor, lieutenant governor, or any member or member elect of the council or of the general court, or candidate therefor, justice of the supreme judicial court, justice of the superior court, judge of probate, justice of a police, district or municipal court, district attorney, member or member elect of a board of county commissioners, or candidate for county commissioner, mem-



ber or member elect of a board of aldermen, or selectmen, or city council, or any executive, administrative or judicial officer, clerk or employee of any branch of the government of the commonwealth or of any county, city or town; nor shall any such public officer or body, or any member or member elect thereof or candidate therefor, directly or indirectly advocate, oppose, or otherwise interfere in, or make any request, recommendation, endorsement, requirement or certificate relative to, and the same, if made, shall not be required as a condition precedent to, or be in any way regarded or permitted to influence or control, the appointment, promotion, reinstatement or retention of any person employed or seeking employment by any such corporation, and no such person shall solicit, obtain, exhibit, or otherwise make use of any such official request, recommendation, certificate or endorsement in connection with any existing or desired employment by a public service corporation. Any person or corporation violating the provisions of this section shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for each offence.

SECTION 26. The offices of probation officer, notary public and justice of the peace, prison officer, agent of the prison commissioners and agent of the state board of charity shall not be considered public offices within the meaning of the preceding section.

Public offices defined.  
1903, 320, § 2.  
1908, 228.

SECTION 27. Whoever knowingly causes to be printed or published a false or fraudulent notice or advertisement for help or for obtaining work or employment shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than three months or by both such fine and imprisonment.

Fraudulent advertisements concerning employment.  
1908, 217.

SECTION 28. Whoever corruptly gives, offers or promises to an agent, employee or servant, any gift or gratuity whatever, with intent to influence his action in relation to the business of his principal, employer or master; or an agent, employee or servant who corruptly requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner in relation to the business of his principal, employer or master; or an agent, employee or servant, who, being authorized to procure materials, supplies or other articles

Corrupt influencing of agents or servants prohibited.  
1904, 343, § 1.

either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer, or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee or servant such commission, discount or bonus, shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by such fine and by imprisonment for not more than one year.

Self-incriminating testimony not privileged.  
1904, 343, § 2.

SECTION 29. No person shall be excused from attending, testifying or producing books, papers, contracts, agreements and documents before any court or in obedience to the subpoena of any court having jurisdiction of the offence described in the preceding section on the ground or for the reason that the testimony or evidence, documentary or otherwise required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be liable to any suit or prosecution, civil or criminal, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before said court or in obedience to its subpoena or in any such case or proceeding.

Exemption of trade unions, etc., from insurance laws.  
R. L. 106, § 18.

SECTION 30. Trade unions and other associations of wage workers whose principal objects are to deal with the relation between employers and employees relative to wages, hours of labor and other conditions of employment shall not be subject to the provisions of chapters one hundred and nineteen and one hundred and twenty of the Revised Laws and chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven or of such other provisions of law as relate to insurance companies or associations.

Registration of insignia of labor unions.  
1903, 275, § 1.  
1904, 335, § 1.

SECTION 31. The insignia, ribbons, badges, rosettes, buttons and emblems of any society, association or labor union may be registered in the office of the secretary of the commonwealth in the manner and subject to the provisions, so far as they are applicable, set forth in section seven of chapter seventy-two of the Revised Laws in regard to labels; and the secretary is hereby authorized to

make regulations and prescribe forms for such registration.

SECTION 32. Whoever, not being a member of a society, association or labor union, for the purpose of representing that he is a member thereof, wilfully wears or uses the insignia, ribbon, badge, rosette, button or emblem thereof, if it has been registered in the office of the secretary of the commonwealth, shall be punished by a fine of not more than twenty dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Penalty for unlawful use.  
1902, 430.  
1904, 335, § 2.

SECTION 33. Manufacturers and others who employ workmen may, for the purpose of giving notice to them, ring bells and use whistles and gongs of such size and weight and in such manner and at such hours as the board of aldermen of cities and the selectmen of towns may designate in writing.

Use of bells and whistles.  
R. L. 106, § 9.

SECTION 34. If, in an emergency, special police officers are appointed under the name of police officers or any other name, to act as police officers for quelling a riot or disturbance or for protecting property no person shall be so appointed who is not a resident of this commonwealth unless he is a regular employee of the person or corporation whose property he is so appointed to protect.

Non-resident special police officers to be employees, when.  
R. L. 108, § 11.

SECTION 35. A person or corporation may, at any time, if his or its property is in danger, call upon the regular police authorities in this commonwealth for assistance in its protection, and the provisions of this and the preceding section shall not limit or diminish such right; but no person or corporation shall request or authorize any person or body of persons not residents of this commonwealth, except regular employees, to assist such corporation with arms in the defence of its property, and no such request or authority shall justify an assault or attack with arms by a non-resident. Whoever, being an employer of labor, requests or authorizes assistance in violation of the provisions of this section and whoever renders such assistance with arms shall be severally liable in damages to each person injured in person or property thereby.

Police protection authorized and regulated.  
R. L. 108, § 12.

SECTION 36. Whoever violates a provision of this act for which no specific penalty is provided shall be punished by a fine of not more than one hundred dollars.

General penalty.  
R. L. 106, § 70.

## HOURS OF LABOR.

Hours of  
labor for  
public  
employees.  
R. L. 106, § 19.  
1906, 517, § 1.  
1907, 269, § 1.  
570.

SECTION 37. Eight hours shall constitute a day's work for all laborers, workmen and mechanics now or hereafter employed by or on behalf of the commonwealth, or of any county therein, or of any city or town, which, prior to the twenty-eighth day of June in the year nineteen hundred and seven had accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws. No laborer, workman or mechanic so employed shall be requested or required to work more than eight hours in any one calendar day or more than forty-eight hours in any one week except in cases of extraordinary emergency. Only a case of danger to property, to life, to public safety or to public health shall be considered a case of extraordinary emergency within the meaning of this section. Threat of loss of employment or threat to obstruct or prevent the obtaining of employment, or threat to refrain from employing in the future shall be considered requiring, within the meaning of this section. Engineers shall be considered mechanics within the meaning of this section. But in cases where a weekly half-holiday is given, the hours of labor upon the other working days of the week may be increased sufficiently to make a total of forty-eight hours for the week's work.

Public con-  
tracts to  
stipulate  
hours of labor.  
R. L. 106, § 21.  
1906, 517, § 2.  
1907, 269, § 2.

SECTION 38. Every contract, except contracts for the purchase of material or supplies, to which the commonwealth, or any county therein, or any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, or may accept the provisions of section forty-two of this act, is a party, which may involve the employment of laborers, workmen or mechanics shall contain a stipulation that no laborer, workmen or mechanic working within this commonwealth in the employ of the contractor, sub-contractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be requested or required to work more than eight hours in any one calendar day and every such contract which does not contain this stipulation shall be null and void.

Extent of  
application of  
two preceding  
sections.  
1906, 517, § 3.  
1907, 570.

SECTION 39. The two preceding sections shall apply to all laborers, workmen or mechanics engaged upon any works which are or are intended to be the property of the

commonwealth, or of any county therein, or of any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, or may accept the provisions of section forty-two of this act whether such laborers, workmen or mechanics are employed by public authority or by a contractor or other private person. They shall not apply to persons employed in any state, county or municipal institution, on the farm, or in the care of the grounds, in the stable, in the domestic or kitchen and dining-room service, or in storerooms and offices.

SECTION 40. Any person or contractor or sub-contractor, or any agent or person acting on behalf of any contractor or sub-contractor, or any agent or official of the commonwealth or of any county, city or town who violates any provision of the three preceding sections shall be subject to a penalty of fifty dollars for each offence.

Penalty.  
1906, 517, § 4.  
1907, 269, § 3.

SECTION 41. The provisions of the four preceding sections shall not apply to or affect contractors or sub-contractors for work, contracts for which were entered into prior to the twenty-second day of June in the year nineteen hundred and six.

Application of  
four preceding  
sections.  
1906, 517, § 5.

SECTION 42. In a city or town which, by a vote taken by ballot at an annual election, accepts the provisions of this section, or, subsequently to the twenty-eighth day of June in the year nineteen hundred and seven, accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, eight hours shall constitute a day's work for all laborers, workmen and mechanics who are employed by such city or town. If a petition for such vote, signed by one hundred or more registered voters of a city, or twenty-five or more registered voters of a town, is filed with the city or town clerk, respectively, thirty days or more before an annual election such vote shall be taken at such election.

Acceptance by  
cities, etc., of  
eight hour law.  
R. L. 106, § 20.

SECTION 43. In a city or town, which has not accepted the provisions of sections thirty-seven or forty-two, nine hours shall constitute a day's work for all laborers, workmen and mechanics who are employed by or on behalf of such city or town.

Nine hours a  
day's work,  
when.  
R. L. 106, § 19.

SECTION 44. Any city may by ordinance and any town may by by-law establish the hours of labor of the members of its fire department.

Hours of labor  
for fire de-  
partments.  
1904, 315.



Employees to  
be allowed  
time for  
voting.  
R. L. 11.  
§§ 5, 413.  
1902, 384.  
1904, 334.  
1907, 560,  
§§ 5, 447.

SECTION 45. No person entitled to vote at an election shall, upon the day of any such election, be employed in any manufacturing, mechanical or mercantile establishment, except such as may lawfully conduct its business on Sunday, during the period of two hours after the opening of the polls in the voting precinct or town in which he is entitled to vote, if he shall make application for leave of absence during such period. An owner, superintendent or overseer in any manufacturing, mechanical or mercantile establishment, except such as may lawfully conduct its business on Sunday, who employs or permits to be employed therein any person entitled to vote at a state election, during the period of two hours after the opening of the polls in the voting precinct or town in which such person is entitled to vote, if he shall make application for leave of absence during such period, shall be punished by a fine of not more than one hundred dollars.

Day's work of  
street railway  
employees  
defined.  
R. L. 106, § 22.  
1906, 463,  
Part III., § 59.

SECTION 46. A day's work for all conductors and motormen who are employed by or on behalf of a street railway company shall not exceed ten hours, and shall be so arranged by the employer that it may be performed within twelve consecutive hours. No officer or agent of any such company shall require from said employees more than ten hours' work for a day's labor; but on legal holidays, on days when the company is required to provide for extraordinary travel, and, in case of accident or unavoidable delay, extra labor may be performed for extra compensation.

Employment  
of children and  
women in mer-  
cantile estab-  
lishments.  
R. L. 106, § 23.  
1904, 397.

SECTION 47. No child and no woman shall be employed in laboring in a mercantile establishment more than fifty-eight hours in a week. Every employer of such persons shall post in a conspicuous place in every room in which they are employed a printed notice stating the number of hours of work which are required of them on each day of the week, the hours of commencing and stopping such work, and the time allowed for dinner or other meals. The printed form of such notice shall be furnished by the chief of the district police and shall be approved by the attorney-general. The employment of any such person at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this section. An employer, superintendent, overseer or other agent of a mercantile establishment who violates

any of the provisions of this section shall be punished by a fine of not less than fifty nor more than one hundred dollars.

SECTION 48. No child and no woman shall be employed in laboring in a manufacturing or mechanical establishment more than ten hours in any one day, except as hereinafter provided in this section, unless a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and, in no case, shall the hours of labor exceed fifty-eight in a week; and if any child or woman shall be employed in more than one manufacturing or mechanical establishment, the total number of hours so employed shall not exceed fifty-eight in any one week. From and after the first day of January in the year nineteen hundred and ten, no child and no woman shall be employed in laboring in a manufacturing or mechanical establishment more than ten hours in any one day, except as hereinafter provided in this section, unless a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed fifty-six in a week, except that in any such establishment where the employment is by seasons, the number of such hours in any week may exceed fifty-six, but not fifty-eight, if the total number of such hours in any year shall not exceed an average of fifty-six hours a week for the whole year, excluding Sundays and holidays. Every employer shall post in a conspicuous place in every room in which such persons are employed a printed notice stating the number of hours' work required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time allowed for meals begins and ends or, in the case of establishments exempted from the provisions of sections sixty-seven and sixty-eight of this act, the time, if any, allowed for meals. The printed forms of such notices shall be provided by the chief of the district police, after approval by the attorney-general. The employment of such person at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost on a previous day of the same week in consequence of the stopping of ma-

Employment  
of children and  
women in  
manufac-  
turing, etc.,  
establish-  
ments.  
R. L. 106, § 24.  
1902, 435.  
1908, 645.

chinery upon which he or she was employed or dependent for employment; but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment, nor shall such overtime employment be authorized until a written report of the day and hour of its occurrence and its duration is sent to the chief of the district police or to an inspector of factories and public buildings.

Penalties.  
R. L. 106, § 25.

SECTION 49. A parent or guardian who permits a minor under his control to be employed in violation of either of the two preceding sections, and any person who, either for himself or as superintendent, overseer or agent for another, employs any person in violation of the provisions of either of said sections, or fails to post the notice required by either of the preceding sections, or makes a false report of the stopping of machinery under the provisions of the preceding section, shall be punished by a fine of not less than fifty nor more than one hundred dollars. A certificate of the age of a minor made and sworn to by him and by his parent or guardian at the time of his employment in a mercantile, manufacturing or mechanical establishment shall be prima facie evidence of his age in any prosecution under the provisions of this section.

Form of  
complaint.  
R. L. 106, § 26.

SECTION 50. The form of complaint heretofore used may be used in prosecutions under the provisions of section forty-eight of this act, and if substantially followed shall be deemed sufficient, fully and plainly, substantially and formally, to describe the offences therein set forth but the provisions of this section shall not be construed to prohibit the use of any other suitable form.

Night labor  
for women  
and minors.  
R. L. 106, § 27.  
1907, 267.

SECTION 51. No person, and no agent or officer of a person or corporation, shall employ a woman or minor in any capacity for the purpose of manufacturing between ten o'clock at night and six o'clock in the morning. No person, and no agent or officer of a person or corporation engaged in the manufacture of textile goods, shall employ a woman or a minor before six o'clock in the morning or after six o'clock in the evening. Whoever violates the provisions of this section shall be punished by a fine of not less than twenty nor mote than fifty dollars for each offence.

Employees to  
have one day's  
rest in seven.  
1907, 577.

SECTION 52. Except in cases of emergency or except at the request of the employee, it shall not be lawful for any

person, partnership, association or corporation to require an employee engaged in any commercial occupation, or in the work of any industrial process, or in the work of transportation or communication, to do on the Lord's day the usual work of his occupation, unless such employee is allowed during the six days next ensuing twenty-four consecutive hours without labor. But the provisions of this section shall not be construed as authorizing any work on the Lord's day not now authorized by law; nor as applying to farm or personal service, to druggists, to watchmen, to superintendents or managers, to janitors, or to persons engaged in the transportation, sale or delivery of milk, food or newspapers. Whoever violates the provisions of this section shall be punished by a fine of not more than fifty dollars for each offence.

SECTION 53. The hours of labor for officers, instructors, and employees of the state penal institutions shall not exceed sixty in each week; and every officer, instructor or employee whose duties require his presence at the institution seven days a week shall be given at least two days' vacation in each month, which shall be in addition to the regular annual vacation and without loss of pay. Nothing in this section shall prevent the warden or superintendent, respectively, from requiring the services of all his officers, instructors and employees to assist in recapturing an escaped prisoner, or in any case of extraordinary emergency involving danger to property, to life, to public safety or to public health.

Hours of labor for officers, etc., of state penal institutions.  
1908, 547, § 1.

SECTION 54. There may be employed at the state prison, the Massachusetts reformatory, and the reformatory prison for women, such officers in addition to the number allowed by law on the first day of December in the year nineteen hundred and eight as the prison commissioners shall consider necessary to carry out the purpose of the preceding section.

Additional officers authorized.  
1908, 547, § 2.

SECTION 55. The hours of labor for employees of county jails and houses of correction shall not exceed sixty in each week and every employee of a county jail or house of correction whose duties require his presence at such house of correction or county jail seven days a week shall be given at least two days of vacation in each month, which shall be in addition to any annual vacation now or hereafter allowed to said employees, and shall be without loss

Hours of labor for employees of jails, etc.  
R. L. 224, § 20.  
1905, 231.

of pay. A county officer who violates the provisions of this section by requiring an employee to work more than sixty hours in a week shall be punished by a fine of not less than twenty-five nor more than fifty dollars for each offence.

#### EMPLOYMENT OF WOMEN AND CHILDREN.

Employment  
of minors  
under sixteen.  
R. L. 106, § 28.  
1905, 267, § 1.  
1906, 284.

SECTION 56. No child under the age of fourteen years, and no child who is over fourteen and under sixteen years of age who does not have a certificate as required by the four following sections certifying to the child's ability to read at sight and to write legibly simple sentences in the English language shall be employed in any factory, workshop or mercantile establishment. The ability to read at sight and to write legibly simple sentences in the English language shall be construed as meaning such ability to read and write as is required for admission to the fourth grade of the public schools of the city or town in which such minor lives. No child under the age of fourteen years shall be employed at work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the city or town in which he resides are in session, or be employed at work before six o'clock in the morning or after seven o'clock in the evening. But minors to whom the provisions of this section apply shall be permitted to work on Saturdays between the hours of six in the morning and seven in the evening in mercantile establishments.

Age and  
schooling  
certificates.  
R. L. 106, § 29.

SECTION 57. No child under sixteen years of age shall be employed in a factory, workshop or mercantile establishment unless his employer procures and keeps on file, accessible to the truant officers of the city or town, and to the district police and inspectors of factories and public buildings, an age and schooling certificate and keeps two complete lists of all such minors employed therein, one on file, and one conspicuously posted near the principal entrance of the building in which such children are employed, and also keeps on file and sends to the superintendent of schools, or, if there is no superintendent, to the school committee, a complete list of the names of all minors employed therein who cannot read at sight and write legibly simple sentences in the English language.

Approval of  
school  
certificates.

SECTION 58. An age and schooling certificate shall be approved only by the superintendent of schools or by a



person authorized by him in writing, or, if there is no superintendent of schools, by a person authorized by the school committee; but no member of a school committee or other person authorized as aforesaid shall approve such certificate for any minor then in or about to enter his own employment or the employment of a firm or corporation of which he is a member, officer or employee. No such certificate shall be approved by any person unless he is satisfied that the minor therein named is able to read at sight and to write legibly simple sentences in the English language. The person who approves the certificate may administer the oath provided for therein, but no fee shall be charged therefor.

R. L. 106, § 30.  
1905, 267, § 2.

SECTION 59. An age or schooling certificate shall not be approved unless satisfactory evidence is furnished by a certificate of birth or baptism of such minor, or by the register of birth of such minor with a city or town clerk, that such minor is of the age stated in the certificate, except that other evidence, under oath, may be accepted in the case the superintendent or person authorized by the school committee, as provided in the preceding section, decides that neither the certificate of birth or baptism, nor the register of birth is available for the purpose. The certificate of the superintendent of the Lyman School for boys or of the state industrial school for girls given to a child who has been an inmate of such school, shall be sufficient evidence as to the age and ability to read at sight and to write legibly simple sentences in the English language.

Evidence  
of age.  
R. L. 106, § 31.  
1904, 432.  
1905, 213.  
1907, 224.

SECTION 60. The age and schooling certificate of a minor under sixteen years of age shall not be approved and signed until he presents to the person who is authorized to approve and sign it an employment ticket duly filled out and signed. A duplicate of each age and schooling certificate shall be filled out and shall be kept on file by the school committee. Any explanatory matter may, in the discretion of the school committee or superintendent of schools, be printed with such certificate. The employment ticket and the age and schooling certificate shall be separately printed and shall be filled out, signed and held or surrendered as indicated in the following forms: —

Employment  
ticket neces-  
sary to ap-  
proval of  
schooling  
certificate.  
R. L. 106, § 32.

Employment  
and age and  
schooling cer-  
tificate, form,  
etc.

EMPLOYMENT TICKET, ST. 1909, c. , § .

When [name of minor] , height [feet and inches] ,  
complexion [fair or dark] , hair [color] , presents an  
age and schooling certificate duly signed, I intend to employ [him  
or her].

(Signature of intending employer or agent.)

(Town or city and date.)

AGE AND SCHOOLING CERTIFICATE, ST. 1909, c. , § .

This certifies that I am the [father, mother, guardian or cus-  
todian] of [name of minor] , and that [he or she] was  
born at [name of city or town] , in the county of [name of  
county, if known] , and state [or country] of , on  
the [day and year of birth] , and is now [number of years  
and months] old.

(Signature of father, mother, guardian or custodian.)

(City or town and date.)

Then personally appeared before me the above named [name of  
person signing] , and made oath that the foregoing certi-  
ficate by [him or her] signed is true to the best of [his or her]  
knowledge and belief. I hereby approve the foregoing certificate  
of [name of minor] , height [feet and inches] , com-  
plexion [fair or dark] , hair [color] , having no suffi-  
cient reason to doubt that [he or she] is of the age therein cer-  
tified. I hereby certify and am satisfied that [he or she] can read  
at sight and can write legibly simple sentences in the English  
language.

This certificate belongs to [name of minor in whose behalf it is  
drawn] , and is to be surrendered to [him or her] whenever  
[he or she] leaves the service of the corporation or employer  
holding the same; but if not claimed by said minor within thirty  
days after such time, it shall be returned to the superintendent  
of schools, or, if there is no superintendent of schools, to the  
school committee.

(Signature of person authorized to approve and  
sign, with official character or authority.)

(City or town and date.)

In the case of a minor who cannot read at sight and write legibly  
simple sentences in the English language, the certificate shall  
continue as follows, after the word "language" :—

I hereby certify that [he or she] is regularly attending the  
[name] public evening school. This certificate shall con-  
tinue in force only so long as the regular attendance of said minor  
at the evening school is endorsed weekly by a teacher thereof.

Whoever, being authorized to sign the foregoing certi-  
ficate, knowingly certifies to any materially false statement  
therein shall be punished by a fine of not more than fifty  
dollars.

Penalty for  
false state-  
ment.

SECTION 61. Whoever employs a minor under the age of sixteen years, and whoever procures or, having under his control a minor under such age, permits, such minor to be employed in violation of the provisions of sections fifty-six and fifty-seven of this act, shall for each offence be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment; and whoever continues to employ a minor in violation of the provisions of either of said sections, after being notified thereof by a truant officer or by an inspector of factories and public buildings, shall for every day thereafter while such employment continues be punished by a fine of not less than twenty nor more than one hundred dollars, or by imprisonment for not more than six months.

Penalty for violation of law as to employment of children.  
R. L. 106, § 33.  
1906, 499, § 1.

SECTION 62. Truant officers may visit the factories, workshops and mercantile establishments in their several cities and towns and ascertain whether any minors are employed therein contrary to the provisions of this act and shall report any cases of such illegal employment to the school committee and to the chief of the district police or to the inspector of factories and public buildings. Inspectors of factories and public buildings shall visit all factories, workshops and mercantile establishments within their respective districts, and ascertain whether any minors are employed therein contrary to the provisions of this act, and shall enter complaint against whoever is found to have violated any of said provisions. An inspector of factories and public buildings who knowingly and wilfully violates any provision of this section may be punished by a fine of not more than one hundred dollars.

Truant officers, etc.  
R. L. 106, § 34.  
1906, 499, § 2.

SECTION 63. A truant officer may apprehend and take to school, without a warrant, any minor under the age of sixteen years who is employed in any factory, workshop or mercantile establishment in violation of the provisions of sections fifty-six or fifty-seven of this act, and such truant officer shall forthwith report to the police, district or municipal court or trial justice within whose judicial district the illegal employment occurs, the evidence in his possession relating to the illegal employment of any child so apprehended, and shall make complaint against whomever the court or trial justice may direct. A truant officer who knowingly and wilfully violates any provision

Arrest by truant officers of minors unlawfully employed.  
1906, 499, § 3.

of this section may be punished by a fine of not more than one hundred dollars for each offence.

Production of  
age and school-  
ing certificates.  
etc.

Effect of  
refusal.  
R. L. 106,  
§§ 33, 34.  
1906, 499, § 4.

SECTION 64. Inspectors of factories and public buildings, and truant officers may require that the age and schooling certificates and lists of minors who are employed in factories, workshops or mercantile establishments shall be produced for their inspection. A failure to produce to an inspector of factories and public buildings or to a truant officer an age and schooling certificate or list required by law shall be *prima facie* evidence of the illegal employment of any person whose age and schooling certificate is not produced or whose name is not so listed. A corporation or other employer or any agent or officer thereof, who retains an age and schooling certificate in violation of the provisions of said certificate shall be punished by a fine of not less than ten nor more than one hundred dollars.

Jurisdiction  
of courts.  
1906, 499, § 5.

SECTION 65. Police, district and municipal courts and trial justices shall have jurisdiction of offences arising under the provisions of the four preceding sections. A summons or warrant issued by any such court or justice may be served, at the discretion of the court or magistrate, by an inspector of factories and public buildings, or by a truant officer, or by any officer qualified to serve criminal process.

Illiterate  
minors not to  
be employed  
unless attend-  
ing evening  
school.  
R. L. 106, § 35.  
1902, 183.

SECTION 66. While a public evening school is maintained in the city or town in which any minor resides who is over fourteen years of age and who does not have a certificate signed by the superintendent of schools, or by the school committee, or by some person acting under authority thereof, certifying to his ability to read at sight and write legibly simple sentences in the English language, no person shall employ him, and no parent, guardian or custodian shall permit him to be employed unless he is a regular attendant at such evening school or at a day school; but, upon presentation by him of a certificate signed by a registered practising physician and satisfactory to the superintendent of schools, or, if there is no such superintendent, to the school committee, showing that his physical condition would render such attendance in addition to daily labor prejudicial to his health, said superintendent or school committee shall issue a permit authorizing his employment for such period as said super-

intendent or school committee may determine. Said superintendent or school committee, or teachers acting under authority thereof, may excuse any absence from such evening school which arises from justifiable cause. Any minor not holding such certificate shall furnish to his employer a record of his school attendance each week while the evening school is in session, and when said record shows unexcused absences from the sessions, his attendance shall be deemed irregular according to this act. Whoever employs a minor in violation of the provisions of this section shall forfeit not more than one hundred dollars for each offence to the use of the evening schools of such city or town. A parent, guardian or custodian who permits a minor under his control to be employed in violation of the provisions of this section shall forfeit not more than twenty dollars to the use of the evening schools of such city or town.

SECTION 67. Women and young persons, five or more in number, who are employed in the same factory shall be allowed their meal times at the same hour, except that any such persons who begin work in such factory at a later hour in the morning than other such persons employed therein may be allowed their meal times at a different hour; but no such persons shall be employed during the regular meal hour in tending the machines or doing the work of any other women or young persons in addition to their own.

Meal hours.  
R. L. 106, § 36.

SECTION 68. No woman or young person shall be employed for more than six hours at one time in a factory or workshop in which five or more such persons are employed without an interval of at least half an hour for a meal; but such person may be so employed for not more than six and one half hours at one time if such employment ends not later than one o'clock in the afternoon and if he or she is then dismissed from the factory or workshop for the remainder of the day; or for not more than seven and one half hours at one time if he or she is allowed sufficient opportunity for eating a lunch during the continuance of such employment and if such employment ends not later than two o'clock in the afternoon, and he or she is then dismissed from the factory or workshop for the remainder of the day.

Intervals  
from work  
for meals.  
R. L. 106, § 37.

SECTION 69. The provisions of the two preceding sections shall not apply to iron works, glass works, paper

Exemptions  
from two pre-  
ceding  
sections.  
R. L. 106, § 38.



mills, letter press establishments, print works, bleaching works or dyeing works; and the chief of the district police, if it is proved to his satisfaction that in any other class of factories or workshops it is necessary, by reason of the continuous nature of the processes or of special circumstances affecting such class, to exempt it from the provisions of the two preceding sections and that such exemption can be made without injury to the health of the women or young persons affected thereby, may, with the approval of the governor, issue a certificate granting such exemption, public notice whereof shall, without expense to the commonwealth, be given in the manner directed by said chief.

Immunity of  
employer in  
certain cases.  
R. L. 106, § 39.

SECTION 70. If a minor or a woman shall, without the orders, consent or knowledge of the employer or of the superintendent, overseer or other agent of the employer, labor in a manufacturing or mechanical establishment, factory or workshop during a part of any time allowed for meals in such establishment, factory or workshop, according to the notice required by section forty-eight, and if a copy of such notice was posted in a conspicuous place in the room where such labor was performed with a rule of the establishment, factory or workshop forbidding such minor or woman to labor during such time, then neither the employer nor a superintendent, overseer or other agent of the employer shall be held responsible for such labor.

Penalties.  
R. L. 106, § 40.

SECTION 71. Whoever either for himself or as superintendent, overseer or agent violates the provisions of the four preceding sections shall be punished by a fine of not less than fifty nor more than one hundred dollars.

Seats for  
female  
employees.  
R. L. 106, § 41.

SECTION 72. A person who employs females in any manufacturing, mechanical or mercantile establishment shall provide suitable seats for their use and shall permit the use of such seats by them when they are not necessarily engaged in the active duties of their employment. Whoever violates the provisions of this section shall be punished by a fine of not less than ten nor more than thirty dollars for each offence.

Children  
forbidden to  
clean ma-  
chinery in  
motion.  
R. L. 106, § 42.

SECTION 73. Whoever, either for himself or as superintendent, overseer or agent permits a child under fourteen years of age to clean any part of the machinery in a factory, if it is in motion by the aid of steam, water or

other mechanical power, or if it is in dangerous proximity to such moving part, shall be punished by a fine of not less than fifty nor more than one hundred dollars for each offence.

SECTION 74. No elevator for the carriage of freight or passengers shall be operated by or placed in charge of any person under sixteen years of age, and all elevators for the carriage of freight or passengers running at a speed of more than one hundred feet a minute shall be operated by competent persons not less than eighteen years of age and no other person shall operate or have the care or charge of such an elevator. Any person, firm or corporation violating any provision of this section by operating or causing an elevator to be operated or to be taken care or charge of in any manner contrary to its provisions shall be punished by a fine of not less than twenty-five nor more than one hundred dollars for each offence.

Operation and custody of elevators.  
R. L. 106, § 43.  
1902, 350.

SECTION 75. The state board of health shall, upon the application of any citizen of the commonwealth, determine, after such investigation as it considers necessary, whether or not the manufacture of a particular acid is dangerous or injurious to the health of minors; and its decision shall be conclusive evidence thereof. Whoever employs a child in the manufacture of an acid after the state board of health has determined that such manufacture is dangerous or injurious to his health shall be punished by a fine of one hundred dollars for each offence.

Employment of minors in manufacture of acids.  
R. L. 106, § 44.

#### PUBLIC EXHIBITION OF CHILDREN.

SECTION 76. No person shall employ, exhibit or sell, apprentice or give away, a child under fifteen years of age for the purpose of employing or exhibiting him in dancing on the stage, playing on musical instruments, singing, walking on a wire or rope, or riding or performing as a gymnast, contortionist or acrobat in a circus, theatrical exhibition or in any public place, or cause, procure or encourage such child to engage therein; but the provisions of this section shall not prevent the education of children in vocal and instrumental music or dancing or their employment as musicians in a church, chapel, school or school exhibition, or prevent their taking part in any festival, concert or musical exhibition upon the special written per-

Exhibition of children prohibited.  
R. L. 106, § 45.

mission of the mayor and aldermen of a city or of the selectmen of a town. Whoever violates the provisions of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months.

Licenses to be refused for public shows, when.  
R. L. 106, § 46.

SECTION 77. A license shall not be granted for a theatrical exhibition or public show in which children under fifteen years of age are employed as acrobats or contortionists or in any feats of gymnastics or equestrianism, or in which such children who belong to the public schools are employed or allowed to take part as performers on the stage in any capacity, or if, in the opinion of the board authorized to grant licenses, such children are employed in such a manner as to corrupt their morals or impair their health; but the provisions of this section shall not prevent the granting of special permission authorized by the preceding section.

#### SANITARY AND PROTECTIVE PROVISIONS.

Drinking water to be provided for employees.  
1902, 322.  
1907, 537, § 5.

SECTION 78. All manufacturing establishments within this commonwealth shall provide fresh and pure drinking water to which their employees shall have access during working hours. Any person, firm, association or corporation owning, in whole or in part, managing, controlling or superintending any manufacturing establishment in which the provisions of this section are violated shall, upon complaint of the state inspectors of health, of the board of health of the city or town, or of the selectmen of the town in which the establishment is located be punished by a fine of one hundred dollars for each offence.

Sanitary provisions for factories, workshops, etc.  
R. L. 106, § 47.

SECTION 79. Every factory in which five or more persons are employed, and every factory, workshop, mercantile or other establishment or office in which two or more children or women are employed, shall be kept clean and free from effluvia arising from any drain, privy or nuisance, and shall be provided, within reasonable access, with a sufficient number of proper water closets, earth closets or privies; and wherever two or more males and two or more females are employed together, a sufficient number of separate water closets, earth closets or privies shall be provided for the use of each sex, and plainly so designated; and no person shall be allowed to use a closet or privy which is provided for persons of the other sex.

SECTION 80. The owner, lessee or occupant of any premises which are used as described in the preceding section shall make the changes necessary to conform thereto. If such changes are made upon the order of the inspection department of the district police, by the occupant or lessee of the premises, he may, within thirty days after the completion thereof bring an action against any other person who has an interest in such premises, and may recover such proportion of the expense of making such changes as the court adjudges should justly and equitably be borne by the defendant.

Occupant may recover expense of changes.  
R. L. 106, § 48.

SECTION 81. If it appears to a state inspector of health that any act, neglect or fault in relation to any drain, water closet, earth closet, privy, ashpit, water supply, nuisance or other matter in a factory or workshop included under the provisions of section seventy-nine, is punishable or remediable under the provisions of chapter seventy-five of the Revised Laws or any other law relative to the preservation of the public health, but not under the provisions of this chapter, he shall give notice in writing thereof to the board of health of the city or town in which such factory or workshop is situated, and such board of health shall thereupon inquire into the subject of the notice and enforce the laws relative thereto.

Notice of defective sanitary arrangements.  
R. L. 106, § 49.

SECTION 82. A criminal prosecution shall not be instituted against a person for a violation of the provisions of sections seventy-nine and eighty until four weeks after notice in writing by the inspection department of the district police of the changes necessary to be made to comply with the provisions of said sections has been sent by mail or delivered to such person, nor if such changes shall have been made in accordance with such notice. A notice shall be sufficient under the provisions of this section if given to one member of a firm, or to the clerk, cashier, secretary, agent or any other officer who has charge of the business of a corporation, or to its attorney; and in case of a foreign corporation, to the officer who has the charge of such factory or workshop; and such officer shall be personally liable for the amount of any fine if a judgment against the corporation is returned unsatisfied.

Prerequisites to criminal prosecution.  
R. L. 106, § 50.

SECTION 83. A factory in which five or more persons and a workshop in which five or more women or young persons are employed shall, while work is carried on

Ventilation of factories, etc.  
R. L. 106, § 51.

therein, be so ventilated that the air shall not become so impure as to be injurious to the health of the persons employed therein and so that all gases, vapors, dust or other impurities injurious to health, which are generated in the course of the manufacturing process or handicraft carried on therein shall, so far as practicable, be rendered harmless.

Health  
inspectors to  
enforce  
ventilation.  
R. L. 106, § 52.

SECTION 84. If, in a workshop, or factory which is within the provisions of the preceding section, any process is carried on by which dust is caused which may be inhaled to an injurious extent by the persons employed therein, and it appears to a state inspector of health that such inhalation would be substantially diminished without unreasonable expense by the use of a fan or by other mechanical means, such fan or other mechanical means, if he so directs, shall be provided, maintained and used.

Prerequisites  
to criminal  
prosecution.  
R. L. 106, § 53.

SECTION 85. A criminal prosecution shall not be instituted for any violation of the provisions of the two preceding sections unless such employer neglects, for four weeks after the receipt of a notice in writing, to make such changes in his factory or workshop as shall be ordered by a state inspector of health.

Protection  
from emery  
wheel dust.  
1903, 475, § 1.

SECTION 86. Any person, firm or corporation operating a factory or workshop in which emery wheels or belts or buffing wheels or belts injurious to the health of employees are used shall provide such wheels and belts with a hood or hopper connected with suction pipes, and with fans or blowers, in accordance with the provisions hereinafter contained, which apparatus shall be so placed and operated as to protect any person using such wheel or belt from the particles or dust produced by its operation, and to convey the particles or dust either outside of the building or to some receptacle so placed as to receive and confine such particles or dust.

Equipment of  
emery wheels.  
1903, 475,  
§§ 2, 3.

SECTION 87. Every such wheel shall be fitted with a sheet iron or cast iron hood or hopper of such form and so placed that the particles or dust produced by the operation of the wheel or of any belt connected therewith shall fall or will be thrown into such hood or hopper by centrifugal force; and the fans or blowers shall be of such size and shall be run at such speed as will produce a volume and velocity of air in the suction and discharge pipes sufficient effectually to convey all particles or dust from



the hood or hopper through the suction pipes and so outside of the building or to a receptacle as aforesaid. The suction pipes and connections shall be suitable and efficacious, and such as shall be approved by the state inspector of health.

SECTION 88. The two preceding sections shall not apply to grinding machines upon which water is used at the point of grinding contact, nor to solid emery wheels used in saw mills or in planing mills or in other wood-working establishments, nor to any emery wheel six inches or less in diameter used in establishments where the principal business is not emery wheel grinding.

Application of two preceding sections.  
1903, 475, § 4.

SECTION 89. State inspectors of health, upon receipt of notice in writing, signed by any person having knowledge of the facts, that any factory or workshop as aforesaid is not provided with the apparatus prescribed in sections eighty-six and eighty-seven of this act shall visit and inspect such factory or workshop, and for that purpose they are authorized to enter any such factory or workshop during working hours; and if they ascertain, in the foregoing or in any other manner, that the owner, proprietor or manager thereof has failed to comply with the provisions of said sections, they shall make complaint to a court or judge having jurisdiction, and cause such owner, proprietor or manager to be prosecuted; and it is made the duty of the district attorney to prosecute all cases arising under this section or sections eighty-six and eighty-seven of this act.

Entry into and investigation of factories.  
1903, 475, § 5.

SECTION 90. Whoever fails to comply with any provision of the four preceding sections shall, for the first offence be punished by a fine of not less than twenty-five nor more than one hundred dollars, and, for a second offence he shall be punished by the fine aforesaid or by imprisonment in jail for not more than sixty days or by both such fine and imprisonment.

Penalties.  
1903, 475, § 6.

SECTION 91. In every manufacturing establishment in which the machinery is propelled by steam, communication shall be provided between each room in which such machinery is placed and the room in which the engineer is stationed by means of speaking tubes, electric bells or appliances to control the motive power, or such other means as shall be satisfactory to the inspectors of factories and public buildings, if in the opinion of the inspectors

Communication with engineer's room.  
R. L. 410, § 38.

such communication is necessary. Whoever, being the occupant or controlling the use of any such manufacturing establishment, violates the provisions of this section shall forfeit to the commonwealth not less than twenty-five nor more than one hundred dollars.

Commence-  
ment of  
prosecutions.  
R. L. 104, § 39.

SECTION 92. No prosecution for a violation of the provisions of the preceding section shall be commenced until four weeks after notice in writing by an inspector has been sent by mail to such person, firm or corporation of any changes necessary to be made to comply with the provisions of said section, nor if such changes shall have been made in accordance with such notice.

Doors not to  
be locked  
during hours  
of labor.  
R. L. 104, § 40.

SECTION 93. No outside or inside doors of any building in which operatives are employed shall be so locked, bolted or otherwise fastened during the hours of labor as to prevent free egress. The owner, lessee or occupant of any such building shall, five days after receiving notice in writing from an inspector of factories and public buildings, comply with the provisions of this section.

Belting, etc.,  
in factories to  
be guarded.  
R. L. 104, § 41.  
1907, 503, § 2;  
537, § 5.

SECTION 94. The belting, shafting, gearing and drums of all factories, if so placed as, in the opinion of the inspectors of factories and public buildings, to be dangerous to employees therein while engaged in their ordinary duties, shall be as far as practicable securely guarded. No machinery except steam engines in a factory shall be cleaned while running if objection in writing is made by one of said inspectors. All factories and workshops shall be well lighted, well ventilated and kept clean, and this requirement shall be enforced by the state inspectors of health.

Traversing  
machinery in  
cotton  
factories  
regulated.  
R. L. 104, § 42.

SECTION 95. The owner of a cotton factory which shall have been erected subsequently to the twenty-eighth day of May in the year eighteen hundred and ninety-six, in which there is any traversing carriage of a self-acting mule installed, or of any cotton factory erected previously to such date in which hereafter such traversing carriage is installed, who permits such carriage to travel within twelve inches of any pillar, column, pier or fixed structure, shall be punished by a fine of not less than twenty nor more than fifty dollars for each offence.

Hatchways,  
etc., to be  
protected.  
R. L. 104,  
§§ 43, 108.

SECTION 96. The openings of hoistways, hatchways, elevators and well holes upon every floor of a factory or mercantile or public building shall be protected by suffi-

cient trap doors or self-closing hatches and safety catches, or such other safeguards as the inspectors of factories and public buildings direct; and due diligence shall be used to keep such trap doors closed at all times, except when in actual use by the occupant of the building who has the use and control of the same.

SECTION 97. If, in the erection of an iron or steel framed building the spaces between the girders or floor beams of any floor are not filled or covered by the permanent construction of said floors before another story is added to the building, a close plank flooring shall be placed and maintained over such spaces, from the time when the beams or girders are placed in position until said permanent construction is applied; but openings, protected by a strong hand railing not less than four feet high, may be left through said floors for the passage of workmen or material.

Temporary flooring during construction.  
R. L. 104, § 44.

SECTION 98. In the construction of any iron or steel framed building having a clear story of twenty-five feet elevation or more, a staging with a close plank flooring shall be placed under the whole extent of the beams, girders or trusses of such story upon which iron or steel workers are working, and not more than ten feet below the under side of such beams, girders and trusses.

Same subject.  
R. L. 104, § 45.

SECTION 99. Inspectors of factories and public buildings shall enforce the provisions of the two preceding sections, and whoever violates any provision thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars for each offence.

Enforcement of laws and penalty.  
R. L. 104, § 46.

SECTION 100. Explosive or inflammable compounds shall not be used in any factory in such place or manner as to obstruct or render hazardous the egress of operatives in case of fire.

Use of explosives regulated.  
R. L. 104, § 47.

SECTION 101. Any person, firm or corporation owning, managing or operating factories in this commonwealth in which looms are employed shall equip the looms with such guards or other devices as will prevent injury to employees from shuttles falling or being thrown from the looms. Such guards or devices shall be made of such material and placed in such manner as shall be approved by the inspection department of the district police, who are hereby directed to enforce the provisions of this section. Whoever violates any provision of this section shall

Protection from flying shuttles.  
1904, 347.

be punished by a fine of not more than one hundred dollars for every week during which such violation continues.

Toilet rooms  
for foundries.  
1906, 250.

SECTION 102. The proprietor of every foundry engaged in the casting of iron, brass, steel or other metal, and employing ten or more men, shall establish and maintain, except in cities or towns in which it would be impracticable by reason of the absence of public or private sewerage or of any running water system, a toilet room of suitable size and condition for the men to change their clothes therein, and provided with wash bowls, sinks or other suitable set appliances connected with running hot and cold water, and also a water closet connected with running water and separated from the said toilet room. The said water closet and toilet room shall be connected directly with the foundry building, properly heated, ventilated and protected, so far as may be reasonably practicable, from the dust of the foundry. Whoever fails to comply with the provisions of this section, after being requested so to do by a state inspector of health, shall be punished by a fine of not more than fifty dollars for each offence.

Appliances  
for expecto-  
ration.  
1907, 503, § 2.

SECTION 103. Suitable receptacles for expectoration shall be provided in all factories and workshops by the proprietors thereof, the same to be of such form and construction and of such number as shall be satisfactory to the board of health of the city or town in which the factory or workshop is situated.

Surgical  
appliances  
for employees.  
1907, 164.

SECTION 104. Every person, firm or corporation operating a factory or shop in which machinery is used for any manufacturing or other purpose except for elevators, or for heating or hoisting apparatus, shall at all times keep and maintain, free of expense to the employees, such a medical and surgical chest as shall be required by the board of health of the city or town where such machinery is used, containing plasters, bandages, absorbent cotton, gauze, and all other necessary medicines, instruments and other appliances for the treatment of persons injured or taken ill upon the premises. A person, firm or corporation violating any provision of this section shall be punished by a fine of not less than five dollars nor more than five hundred dollars for every week during which such violation continues.

SECTION 105. Every public building and every school house shall be kept clean and free from effluvia arising from any drain, privy or nuisance, shall be provided with a sufficient number of proper water closets, earth closets, or privies, and shall be ventilated in such a manner that the air shall not become so impure as to be injurious to health. If it appears to an inspector of factories and public buildings that further or different sanitary, ventilating or heating provisions are required in any public building or school house, in order to conform to the requirements of this section, and that such requirements can be provided without unreasonable expense, he may issue a written order to the proper person or authority, directing such sanitary, ventilating or heating provisions to be provided. A school committee, public officer, or person who has charge of, owns, or leases any such public building or school house, who neglects for four weeks to comply with the order of such inspector shall be punished by a fine of not more than one hundred dollars. Whoever is aggrieved by the order of an inspector, issued as herein provided and relating to a public building or school house, may appeal to a judge of the superior court, as provided in chapter four hundred and eighty-seven of the acts of the year nineteen hundred and eight. The state inspectors of health or such other officers as the state board of health may from time to time appoint shall make such examinations of school buildings as in the opinion of said board the protection of the health of the pupils may require. The provisions of this section shall be enforced by the state inspectors of factories and public buildings.

Sanitary provisions for public buildings and schoolhouses.  
R. L. 106, § 54.

#### MANUFACTURE OF CLOTHING.

SECTION 106. A room or apartment in a tenement or dwelling house shall not be used for the purpose of making, altering, repairing or finishing therein coats, vests, trousers or wearing apparel of any description, except by the members of the family dwelling therein; and a family which desires to make, alter, repair or finish coats, vests, trousers or wearing apparel of any description in a room or apartment in a tenement or dwelling house shall first procure a license therefor from a state inspector of health, which shall be approved by the state board of health. A

Regulations for places for making garments.  
R. L. 106,  
§§ 56, 118.  
1905, 238.  
1907, 537, § 5.



Regulations  
for places  
for making  
garments, etc.

license may be applied for by, and issued to, any member of a family which desires to do such work. No person, partnership or corporation shall hire, employ or contract with a member of a family which does not hold a license therefor to make, alter, repair or finish garments or articles of wearing apparel as aforesaid, in any room or apartment in a tenement or dwelling house as aforesaid. Every room or apartment in which garments or articles of wearing apparel are made, altered, repaired or finished shall be kept in a cleanly condition and shall be subject to the inspection and examination of the state inspectors of health for the purpose of ascertaining whether said room or apartment or said garments or articles of wearing apparel or any parts thereof are clean and free from vermin and from infectious or contagious matter. A room or apartment in a tenement or dwelling house which is not used for living or sleeping purposes, and which is not connected with a room or apartment used for living or sleeping purposes and which has a separate and distinct entrance from the outside shall not be subject to the provisions of this section, nor shall the provisions of this section prevent the employment of a tailor or seamstress by any person or family for the making of wearing apparel for the use of such person or family. Every person, firm or corporation hiring, employing or contracting with a member of a family holding a license under this section for the making, altering, repairing or finishing of garments or wearing apparel to be done outside the premises of such person, firm or corporation, shall keep a register of the names and addresses plainly written in English of the persons so hired, employed or contracted with, and shall forward a copy of such register once a month to the state board of health.

Inspector to  
report  
evidence of  
infectious  
disease.  
R. L. 106, § 57.  
1907, 537, § 5.

SECTION 107. If an inspector finds evidence of infectious or contagious disease or of vermin present in a workshop or in a room or apartment in a tenement or dwelling house in which garments or articles of wearing apparel are made, altered or repaired, or in goods manufactured or in process of manufacture therein, he shall report the same to the state board of health, who shall then notify the local board of health to examine said workshop, room or apartment and the materials used therein; and if the board of health finds that said workshop or

tenement or dwelling house is in an unhealthy condition, and that the clothing and materials used therein are unfit for use, it shall issue such orders as the public safety may require.

SECTION 108. Whoever sells or exposes for sale coats, vests, trousers or wearing apparel of any description which have been made in a tenement or dwelling house in which the family dwelling therein has not procured a license, as required by section one hundred and six, shall have affixed to each of said garments a tag or label not less than two inches in length and one inch in width, upon which shall be legibly printed or written the words "tenement-made" and the name of the state and the city or town in which the garment was made.

Tenement-made clothing to be tagged.  
R. L. 106, § 58.

SECTION 109. No person shall sell or expose for sale any of said garments without a tag or label as aforesaid affixed thereto, nor wilfully remove, alter or destroy such tag or label upon any of said garments when exposed for sale, nor sell or expose for sale any of said garments with a false or fraudulent label affixed thereto.

Not to be sold without a tag or label.  
R. L. 106, § 59.

SECTION 110. If it is reported to said inspector or to the state board of health that ready-made coats, vests, trousers, overcoats or other garments are being shipped to this commonwealth, having been manufactured under unhealthy conditions, said inspector shall examine said goods and the condition of their manufacture, and if they are found to contain vermin or to have been made in improper places or under unhealthy conditions, he shall so report to the state board of health, which shall thereupon make such orders as the public safety may require.

Clothing shipped to this commonwealth to be inspected.  
R. L. 106, § 60.  
1907, 537, § 5.

SECTION 111. Whoever violates any of the provisions of the five preceding sections shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Penalties.  
R. L. 106, § 61.

#### PAYMENT OF WAGES.

SECTION 112. Every manufacturing, mining, or quarrying, mercantile, railroad, street railway, telegraph or telephone corporation, every incorporated express company or water company, and every contractor, person or partnership engaged in any manufacturing business, in any of the building trades, in quarries or mines, upon public works or in the construction or repair of railroads,

Weekly payment of wages.  
R. L. 106, § 62.  
1902, 450.  
1906, 427.  
1907, 193.  
1908, 650.  
163 Mass. 589.  
170 Mass. 140.  
172 Mass. 230.  
195 Mass. 548.

Weekly pay-  
ment of wages,  
etc.

street railways, roads, bridges or sewers, or of gas, water or electric light works, pipes or lines, shall pay weekly each employee engaged in his or its business the wages earned by him to within six days of the date of said payment, but any employee leaving his or her employment, or being discharged from such employment, shall be paid in full on the following regular pay day; and the commonwealth, its officers, boards and commissions shall so pay every mechanic, workman and laborer who is employed by it or them, and every person employed by it or them in any penal or charitable institution, and every county and city shall so pay every employee who is engaged in its business the wages or salary earned by him, unless such mechanic, workman, laborer or employee requests in writing to be paid in a different manner; and every town shall so pay each employee in its business if so required by him; but an employee who is absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand. The provisions of this section shall not apply to an employee of a co-operative corporation or association if he is a stockholder therein unless he requests such corporation to pay him weekly. The board of railroad commissioners, after a hearing, may exempt any railroad corporation from paying weekly any of its employees if it appears to the board that such employees prefer less frequent payments, and that their interests and the interests of the public will not suffer thereby. No corporation, contractor, person or partnership shall by a special contract with an employee or by any other means exempt himself or itself from the provisions of this and the following section. Whoever violates the provisions of this section shall be punished by a fine of not less than ten nor more than fifty dollars.

Chief of district police to prosecute violations of preceding section.  
R. L. 106, § 63.

SECTION 113. The chief of the district police or an inspector of factories and public buildings may make a complaint against any person for a violation of the provisions of the preceding section. Complaints for such violation shall be made within thirty days after the date thereof, and, on the trial, no defence for failure to pay as required, other than the attachment of such wages by the trustee process or a valid assignment thereof or a valid set-off against the same, or the absence of the employee from his regular place of labor at the time of pay-

ment, or an actual tender to such employee at the time of payment of the wages so earned by him, shall be valid. The defendant shall not set up as a defence a payment of wages after the bringing of the complaint. An assignment of future wages which are payable weekly under the provisions of this act shall not be valid if made to the person from whom such wages are to become due or to any person on his behalf or if made or procured to be made to another person for the purpose of relieving the employer from the obligation to pay weekly. The word "person" in this section shall include the corporations, contractors, persons and partnerships described in the preceding section.

SECTION 114. The system used by manufacturers of grading the work of a weaver shall not affect or lessen the wages of the weaver, except for imperfections in his own work; and in no case shall the wages of those engaged in weaving be affected by fines or otherwise unless the imperfections complained of are first exhibited and pointed out to the person whose wages are to be affected; and a fine shall not be imposed upon any person for imperfect weaving unless the provisions of this section are first complied with and the amount of the fines are agreed upon by both parties. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars for the first offence, and by a fine of not more than three hundred dollars for each subsequent offence.

Grading of work not to lessen weavers' wages.  
R. L. 106, § 64.

SECTION 115. The occupier or manager of every cotton factory shall supply to each person who is engaged as a weaver in said factory and is paid by the piece, cut or yard, a printed or written ticket with each warp which shall contain the following specifications as to the work to be done and wages paid:—the number of cuts, the number of yards per cut or piece, the price per yard, cut or piece, the number of picks per inch and the number of reeds to the inch. Said occupier or manager shall also supply to each person who is engaged as a frame tender a specification of the number of roving and price per hank or hanks; and to each person engaged as a warper or web drawer a specification of the number of threads in the warp and the rate of compensation; and to each operative who is paid by the pound a specification of the price to be

Specifications to be furnished to weavers in cotton factories.  
R. L. 106, § 65.  
1905, 304, § 1.

paid per pound or pounds; said specification to be furnished in each case on a printed or written ticket within three days after the time when said operative begins work.

Specifications  
and rates of  
compensation  
to be posted  
in textile  
factories.

R. L. 106, § 66.  
1905, 304, § 2.

SECTION 116. The occupier or manager of every textile factory shall post in every room where any employees work by the job, in legible writing or printing, and in sufficient numbers to be easily accessible to such employees, specifications of the character of each kind of work to be done by them, and the rate of compensation. Such specifications in the case of weaving rooms shall state the intended and maximum length of a cut or piece, the count per inch of reed, and the number of picks per inch and the price per cut or piece, or per pound; or, if payment is made per pick or per yard, the price per pick or per yard; and each warp shall bear a designating ticket or mark of identification. In roving or spinning rooms, the number of roving or yarn and the price per hank for each size of machine shall be stated; and each machine shall bear a ticket stating the number of the roving or yarn made upon it. The maximum length of a cut or piece shall not exceed three per cent of its intended length; but if it appears that a variation in excess of the amount hereinbefore set forth has been caused in whole or in part by any weaver in the employ of any person charged with the violation of this act, this shall be deemed a sufficient defence to a prosecution.

Enforcement  
of furnishing  
specifications.  
R. L. 106, § 67.  
1905, 304, § 4.

SECTION 117. The members of the inspection department of the district police shall enforce the provisions of the two preceding sections. They may go into any room, mill or factory to ascertain the facts relative to any work done therein or coming from any other room, mill or factory, and to take the measurements of such work.

Penalties.  
R. L. 106, § 68.  
1905, 304, § 3.

SECTION 118. The occupier or manager of a cotton factory who fails to comply with the provisions of section one hundred and fifteen or the occupier or manager of a textile factory who fails to comply with the provisions of section one hundred and sixteen or any person who interferes with the members of the district police in the performance of their duties under the provisions of the preceding section shall be punished by a fine of not less than twenty-five nor more than fifty dollars for the first offence, and by a fine of not less than fifty nor more than one hundred dollars for each subsequent offence.



SECTION 119. Deductions shall not be made from the wages of women and minors who are paid by the day or hour, and are employed in manufacturing or mechanical establishments, for time during which the machinery is stopped, if said women and minors are refused the privilege of leaving the mill while the damage to said machinery is being repaired; and if such employees are detained in their work rooms during the time of the breaking down of machinery, they shall not be compelled to make up time lost by such break-down unless they are compensated therefor at their regular rates of wages. Whoever violates the provisions of this section shall be punished by a fine of not more than twenty dollars for each offence.

Deductions from wages of women, etc., forbidden.  
R. L. 106, § 69.

SECTION 120. A person who being engaged in manufacturing requires from his employees, under penalty of forfeiture of a part of the wages earned by them, a notice of intention to leave such employ shall be liable to a like forfeiture, if, without similar notice, he discharges an employee.

Penalty for discharge of employee without notice.  
R. L. 106, § 10.

#### ASSIGNMENTS OF WAGES.

SECTION 121. No assignment of future wages shall be valid for a period exceeding two years from the date thereof, nor unless made to secure a debt contracted prior to or simultaneously with the execution of said assignment, nor unless executed in writing in the standard form herein set forth and signed by the assignor in person and not by attorney, nor unless such assignment states the date of its execution, the money or the money value of goods actually furnished by the assignee and the rate of interest, if any, to be paid thereon.

Requisites of valid assignment of wages.  
1905, 308.  
1906, 390, § 1.

SECTION 122. No such assignment shall be valid unless a copy thereof is delivered to the assignor by the assignee at the date of the execution of such assignment. No such assignment shall be binding on the employer of the assignor until a copy of the assignment and an account, which shall conform to the requirements hereinafter stated, have been delivered to said employer. Said account shall be in writing and shall contain a statement of the balance due and of the sums of money received by the assignee, together with the date of every such payment and a statement as to whether such payment is

Delivery of copy to assignor.  
1906, 390, § 2.

interest, a payment on the principal, or, in case of a loan, a payment on the charge for making and securing the loan.

Definition of assignment.  
1906, 390, § 3.

SECTION 123. The term "assignment," as used in this act, shall include every instrument purporting to transfer an interest in or an authority to collect the future wages of a person.

Standard form of assignment.  
1906, 390, § 4.

SECTION 124. Said standard form of assignment shall be as follows:—

KNOW ALL MEN BY THESE PRESENTS.

That I, \_\_\_\_\_ of \_\_\_\_\_ in the county of \_\_\_\_\_, for a valuable consideration, to me paid by \_\_\_\_\_, of \_\_\_\_\_, the receipt whereof I do hereby acknowledge, do hereby assign and transfer to said \_\_\_\_\_ all claims and demands [which I now have, and all] which within a period of \_\_\_\_\_ from the date hereof I may and shall have against my present employer, and against any person whose employ I shall hereafter enter, [for all sums of money due and] for all sums of money and demands which, at any time within said period may and shall become due to me, for services as \_\_\_\_\_ . To have and to hold the same to the said \_\_\_\_\_, his executors, administrators and assigns, to secure a debt

(1) of \_\_\_\_\_ dollars [with interest thereon from \_\_\_\_\_, at the rate of \_\_\_\_\_ per cent per annum], for money [or goods] actually furnished by the assignee amounting to \_\_\_\_\_ dollars.

(2) Contracted prior to the execution of this assignment.

[or contracted simultaneously with the execution of this assignment.]

IN WITNESS WHEREOF, I have set my hand this \_\_\_\_\_ day of \_\_\_\_\_

Signed and delivered, in presence of \_\_\_\_\_ h. \_\_\_\_\_ m.

M. Received and entered in records of assignment of wages in the clerk's office of the \_\_\_\_\_ of \_\_\_\_\_, book \_\_\_\_\_, page \_\_\_\_\_, Clerk.

Effect against a trustee process.  
R. L. 189, § 34.  
1905, 308.

SECTION 125. No assignment of future wages shall be valid against a trustee process, unless before service of the writ upon the alleged trustee, the assignment shall have been recorded in the office of the clerk of the city or town in which the assignor resides at the time of such record. Such record shall not affect the rights or liability of the person or corporation from whom such earnings are due otherwise than is provided in this section.

Effect of assignment.  
1906, 390, § 5.

SECTION 126. Except as above provided, an assignment of wages made in accordance with the provisions of this act shall bind all wages earned by the assignor within the period named in such assignment.

LIABILITY OF EMPLOYERS TO EMPLOYEES.

SECTION 127. If personal injury is caused to an employee, who, at the time of the injury, is in the exercise of due care by reason of:

Liability of employer to employee.  
R. L. 106, § 71.  
1908, 420.

First, A defect in the condition of the ways, works or machinery connected with or used in the business of the employer, which arose from, or had not been discovered or remedied in consequence of, the negligence of the employer or of a person in his service who had been entrusted by him with the duty of seeing that the ways, works or machinery were in proper condition; or,

Second, The negligence of a person in the service of the employer who was entrusted with and was exercising superintendence and whose sole or principal duty was that of superintendence, or, in the absence of such superintendent, of a person acting as superintendent with the authority or consent of such employer; or,

Third, The negligence of a person in the service of the employer who was in charge or control of a signal, switch, locomotive engine, elevated train or train upon a railroad or elevated railway;

The employee, or his legal representatives, shall, subject to the provisions of the nine following sections, have the same rights to compensation and of action against the employer as if he had not been an employee, nor in the service, nor engaged in the work, of the employer.

A car which is in use by, or which is in possession of, a railroad corporation, or an elevated car which is in use by or which is in possession of an elevated railway corporation, shall be considered as a part of the ways, works or machinery of the corporation which uses or has it in possession, within the meaning of clause one of this section, whether it is owned by such corporation or by some other company or person. One or more cars which are in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause three of this section, and whoever, as a part of his duty for the time being, physically controls or directs the movements of a signal, switch, locomotive engine, elevated train or train shall be deemed to be a person in charge or control of a signal, switch, locomotive engine, elevated train or train within the meaning of said clause.

Action if injury followed by death not instantaneous or death with conscious suffering.  
R. L. 106, § 72.  
1906, 370.

SECTION 128. If the injury described in the preceding section results in the death of the employee, and such death is not instantaneous or is preceded by conscious suffering, and if there is any person who would have been entitled to bring an action under the provisions of the following section, the legal representatives of said employee may, in the action brought under the provisions of the preceding section, recover damages for the death in addition to those for the injury; and in the same action under a separate count at common law, may recover damages for conscious suffering resulting from the same injury.

Action if injury followed by instantaneous death or death without conscious suffering.  
R. L. 106, § 73.  
1908, 457.

SECTION 129. If, as the result of the negligence of an employer himself, or of a person for whose negligence an employer is liable under the provisions of section one hundred and twenty-seven, an employee is instantly killed, or dies without conscious suffering, his widow or, if he leaves no widow, his next of kin, who, at the time of his death, were dependent upon his wages for support, shall have a right of action for damages against the employer.

Amendment of actions brought under two preceding sections.  
1908, 457.

SECTION 130. If an action is brought under the provisions of the preceding section by the widow of the employee, or by the next of kin, who may have such right of action, or if the action is brought under the provisions of section one hundred and twenty-seven by the legal representatives, such action shall not fail by reason of the fact that it should have been brought under the other section, but may be so amended as to provide against such failure at any time prior to final judgment.

Damages.  
R. L. 106, § 74.

SECTION 131. If under the provisions of sections one hundred and twenty-eight and one hundred and twenty-nine damages are awarded for the death, they shall be assessed with reference to the degree of culpability of the employer or of the person for whose negligence the employer is liable.

The amount of damages which may be awarded in an action under the provisions of section one hundred and twenty-seven for a personal injury to an employee, in which no damages for his death are awarded under the provisions of section one hundred and twenty-eight shall not exceed four thousand dollars.

The amount of damages which may be awarded in such action, if damages for his death are awarded under the provisions of section one hundred and twenty-eight shall

not exceed five thousand dollars for both the injury and the death, and shall be apportioned by the jury between the legal representatives of the employee and the persons who would have been entitled under the provisions of section one hundred and twenty-nine to bring an action for his death if it had been instantaneous or without conscious suffering.

The amount of damages which may be awarded in an action brought under the provisions of section one hundred and twenty-nine shall not be less than five hundred nor more than five thousand dollars.

SECTION 132. No action for the recovery of damages for injury or death under the provisions of the five preceding sections shall be maintained unless notice of the time, place and cause of the injury is given to the employer within sixty days, and the action is commenced within one year, after the accident which causes the injury or death. Such notice shall be in writing, signed by the person injured or by a person in his behalf; but if, from physical or mental incapacity it is impossible for the person injured to give the notice within the time provided in this section, he may give it within ten days after such incapacity has been removed, and if he dies without having given notice and without having been for ten days at any time after his injury of sufficient capacity to give it, his executor or administrator may give such notice within sixty days after his appointment. A notice given under the provisions of this section shall not be held invalid or insufficient solely by reason of an inaccuracy in stating the time, place or cause of the injury if it is shown that there was no intention to mislead, and that the employer was not in fact misled thereby.

Notice.  
R. L. 106, § 75.

SECTION 133. If an employer enters into a contract, written or verbal, with an independent contractor to do a part of such employer's work, or if such contractor enters into a contract with a sub-contractor to do all or any part of the work comprised in such contractor's work with the employer, such contract or sub-contract shall not bar the liability of the employer for injuries to the employees of such contractor or sub-contractor caused by any defect in the condition of the ways, works, machinery or plant, if they are the property of the employer or are furnished by him and if such defect arose, or had not

Liability of  
an employer to  
the employee  
of a contractor  
or sub-  
contractor.  
R. L. 106, § 76.



been discovered or remedied, through the negligence of the employer or of some person entrusted by him with the duty of seeing that they were in proper condition.

Employer not  
liable, when.  
R. L. 106, § 77.

SECTION 134. An employee or his legal representatives shall not be entitled under the provisions of sections one hundred and twenty-seven to one hundred and thirty-one, inclusive, to any right of action for damages to his employer if such employee knew of the defect or negligence which caused the injury, and failed within a reasonable time to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer who was entrusted with general superintendence.

Evidence in  
reduction of  
damages.  
R. L. 106, § 78.

SECTION 135. An employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries for which compensation may be recovered under the provisions of sections one hundred and twenty-seven to one hundred and thirty-one, inclusive, of this act or to any relief society formed under the provisions of sections seventeen, eighteen and nineteen of chapter one hundred and twenty-five of the Revised Laws, or under the provisions of sections forty-six, forty-seven and forty-eight of Part I of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, may prove in mitigation of the damages recoverable by an employee under the provisions of said sections, such proportion of the pecuniary benefit which has been received by such employee from any such fund or society on account of such contribution of said employer as the contribution of such employer to such fund or society bears to the whole contribution thereto.

Plans of com-  
pensation for  
injured  
employees.  
1908, 489,  
§§ 1, 2.

SECTION 136. An employer of labor may submit to the state board of conciliation and arbitration a plan of compensation for employees in his employ, providing for payments to them in the event of injury in the course of their employment, based upon a certain percentage of their average earnings, and without reference to legal liability under the common law of the employers' liability act. After examination of such plan of compensation, and a public hearing thereon after public notice thereof, said board may, if it considers the plan fair and just to the employee, give its approval thereof by its certificate at-

tached thereto; and, thereafter, the employer may enter into a contract with his employees by which they shall release him from liability in case of injury in the course of said employment and accept in lieu thereof the compensation provided in said plan.

SECTION 137. Either parent or the guardian of any minor employee may agree to said plan of compensation in behalf of the minor. Such agreement shall be in writing signed by the employee, or, in the case of a minor employee, by either parent or the guardian, in the presence of two witnesses, of whom one shall be an employee at the time of such signature.

Form of agreement and method of signing.  
1908, 489, § 3.

SECTION 138. No employer shall require as a condition of employment that any employee shall assent to any plan of compensation or in any way waive his legal right to recover damages for an injury outside the provisions of such plan, and no contract under such plan of compensation shall be binding for more than one year from the date thereof.

Agreement to plan to be voluntary.  
Duration.  
1908, 489, §§ 4, 5.

SECTION 139. The employees of any employer of labor, numbering at least ten per cent of those regularly employed during the preceding year, may submit to the state board of conciliation and arbitration a plan of compensation such as is described in section one hundred and thirty-six of this act. Such plan shall be referred to the employer, and in case no agreement between the employer and employees is reached within thirty days and reported to said board, then after examination of the said plan of compensation, and a public hearing thereon after public notice thereof, the board of conciliation and arbitration may, if it considers the same fair and just to the employer and employees, recommend to the employer the adoption of the same. Upon notice of acceptance of the plan duly filed by the employer the plan shall be deemed to be in force precisely as if it had been submitted and approved under the provisions of the preceding sections of this act.

Employees, certain, to submit to the board of conciliation, etc., a plan of compensation, etc.  
1908, 489, 1909, 211.

SECTION 140. Except as provided in the four preceding sections, no person shall, by a special contract with his employees, exempt himself from liability which he may be under to them for injuries suffered by them in their employment and resulting from the negligence of the employer or of a person in his employ.

Contracts for exemption of employer from liability for injury forbidden.  
R. L. 106, § 16.  
1908, 489, § 6.

Protection of  
interests of  
employees.  
1908, 380.

SECTION 141. A justice of the superior court may, upon petition setting forth in ordinary language that the servant or employee of a certain firm, person, corporation or association has been injured in the course of his employment, through some defect in the ways, works or machinery owned or used by the employer, and that it is necessary in order to protect the interests of the injured person that an examination should be made of the ways, works or machinery through whose defect the injury occurred, and after such notice to the employer as any justice of said court may direct or approve, and a hearing, grant an order directing the employer or person in control of such ways, works or machinery to permit the person named in said order to make such examination, under such conditions as shall be set forth in the order.

Extent of  
application of  
preceding  
sections.  
R. L. 106, § 79.

SECTION 142. The provisions of the fourteen preceding sections shall not apply to injuries caused to domestic servants or farm laborers by fellow employees.

Assumption of  
risk by rail-  
road employee.  
1906, 463.  
Part II., § 167.

SECTION 143. An employee of a railroad corporation who is injured by any locomotive, car or train which is used contrary to the provisions of sections one hundred and fifty-nine, one hundred and sixty-one, one hundred and sixty-two and one hundred and sixty-three of Part II of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, shall not be deemed to have assumed the risk of such injury, although he continues in the employment of such corporation after the unlawful use of such locomotive, car or train has been brought to his knowledge. An employee of a railroad corporation who is injured by any locomotive, car or train by reason of the negligence of any other employee of the corporation shall not be deemed to have assumed the risk of such injury.

Report of  
accidents to  
employees.  
R. L. 106, § 17.

SECTION 144. All manufacturers, manufacturing corporations and proprietors of mercantile establishments shall forthwith send to the chief of the district police a written notice of any accident to an employee while at work in any factory, manufacturing or mercantile establishment operated by them, if the accident results in the death of said employee or in such bodily injury as to prevent him from returning to his work within four days thereafter. The chief of the district police shall forthwith transmit to the sender of such notice a written or printed

acknowledgment of the receipt thereof, and he shall keep a record of all accidents so reported to him, of the name of the person injured, of the city or town in which the accident occurred and the cause thereof, and shall include an abstract of said record in his annual report. Whoever fails to send notice of an accident as required by this section shall be punished by a fine of not more than twenty dollars.

REPEAL.

SECTION 145. Section fifty-seven of chapter twenty-five of the Revised Laws, sections thirty-eight to forty-seven, inclusive, of chapter one hundred and four of the Revised Laws, chapter one hundred and six of the Revised Laws, sections eleven and twelve of chapter one hundred and eight of the Revised Laws, section thirty-four of chapter one hundred and eighty-nine of the Revised Laws, section twenty of chapter two hundred and twenty-four of the Revised Laws; chapters one hundred and eighty-three, three hundred and twenty-two, three hundred and fifty, three hundred and eighty-four, four hundred and thirty, four hundred and thirty-five, four hundred and forty-six and four hundred and fifty of the acts of the year nineteen hundred and two; chapters two hundred and seventy-five and four hundred and seventy-five of the acts of the year nineteen hundred and three; chapters three hundred and eleven, three hundred and thirteen, three hundred and fifteen, three hundred and twenty, three hundred and thirty-four, three hundred and thirty-five, three hundred and forty-three, three hundred and forty-seven, three hundred and forty-nine, three hundred and ninety-seven, three hundred and ninety-nine and four hundred and thirty-two of the acts of the year nineteen hundred and four; chapters two hundred and thirteen, two hundred and thirty-one, two hundred and thirty-eight, two hundred and sixty-seven, three hundred and four and three hundred and eight of the acts of the year nineteen hundred and five; chapters two hundred and fifty, two hundred and eighty-four, three hundred and seventy, three hundred and ninety, four hundred and twenty-seven, four hundred and thirty-five, section one hundred and sixty-seven of Part II of chapter four hundred and sixty-three, chapters four hundred and ninety-nine and five hundred and seventeen of the acts of the

Repeal.

year nineteen hundred and six; chapters one hundred and thirty-five, one hundred and sixty-four, one hundred and ninety-three, two hundred and twenty-four, two hundred and sixty-seven, two hundred and sixty-nine, section two of chapter five hundred and three, chapters five hundred and seventy and five hundred and seventy-seven of the acts of the year nineteen hundred and seven; chapters two hundred and seventeen, two hundred and twenty-eight, three hundred and six, three hundred and eighty, four hundred and twenty, four hundred and fifty-seven, four hundred and eighty-five, four hundred and eighty-nine, five hundred and forty-seven, six hundred and forty-five and six hundred and fifty of the acts of the year nineteen hundred and eight, and chapter two hundred and eleven of the acts of the year nineteen hundred and nine, and all other acts and parts of acts inconsistent herewith are hereby repealed.

Effect of  
repeal.

SECTION 146. The provisions of this act, so far as they are the same as those of existing statutes, shall be construed as a continuation thereof, and not as new enactments, and a reference in a statute which has not been repealed to provisions of law which have been wholly or partially revised and re-enacted herein shall be construed as applying to such provisions as so incorporated in this act. The repeal of a law by this act shall not affect any act done, ratified or confirmed, or any right accrued or established, or any action, suit or proceeding commenced under any of the laws repealed before the repeal took effect, or any action, suit or proceeding pending at the time of the repeal for an offence committed, or for the recovery of a penalty or forfeiture incurred, under any of the laws repealed, but the proceedings shall, when necessary, conform to the provisions of this act. Any provision of this act by which a punishment, penalty or forfeiture is mitigated may be extended and applied to any judgment pronounced after said repeal.

Time of  
taking effect.

SECTION 147. This act shall take effect on the first day of October, nineteen hundred and nine.

*Approved June 18, 1909.*



AN ACT RELATIVE TO PREPARING NOTICES OF ASSESSMENT *Chap.515*  
OF TAXES.

*Be it enacted, etc., as follows:*

SECTION 1. Section forty-two of Part I of chapter four hundred and ninety of the acts of the year nineteen hundred and nine is hereby amended by inserting after the word "for", in the second line, the words:—preparing the notice and,—so as to read as follows:—*Section 42.* The tax commissioner shall annually prepare instructions for preparing the notice and bringing in the lists required by the preceding section, and shall prescribe forms therefor so arranged that the statement of the person, firm or corporation bringing it in will include all assessable property held by such person, firm or corporation, and the assessors shall furnish blank lists containing such instructions and forms to any person, firm or corporation liable to taxation. The tax commissioner shall also cause forms for the lists and statements required by the preceding section relative to property held for literary, benevolent, charitable or scientific purposes to be printed and distributed to assessors.

1909, 490, § 42.  
Part I.,  
amended.

Instructions  
to be prepared  
as to notice  
of assessment  
and lists of  
property.

SECTION 2. This act shall take effect upon its passage.  
*Approved June 18, 1909.*

AN ACT RELATIVE TO THE TAXATION OF MERCHANDISE, *Chap.516*  
MACHINERY AND ANIMALS IN CERTAIN INSTANCES.

*Be it enacted, etc., as follows:*

SECTION 1. Merchandise, machinery and animals owned by inhabitants of this commonwealth but situated in another state shall be exempt from taxation.

Taxation of  
merchandise,  
machinery,  
etc.

SECTION 2. Merchandise, machinery and animals owned by persons not inhabitants of this commonwealth or by foreign corporations and not taxable under the provisions of section twenty-three of Part I of chapter four hundred and ninety of the acts of the year nineteen hundred and nine in any city or town in the commonwealth, but situated in this state, shall be assessed to the owner in the city or town where they are situated.

Same subject.

SECTION 3. This act shall take effect upon its passage.  
*Approved June 18, 1909.*

*Chap. 517* AN ACT TO PROVIDE FOR KEEPING RECORDS OF ABATEMENTS OF TAXES.

*Be it enacted, etc., as follows:*

Records of abatements of taxes.

SECTION 1. Every board of assessors shall keep a record of all abatements of taxes. The record of abatement of the whole or any part of any tax shall show plainly the following details, viz.:—

First, The name or title in which the tax stands assessed.

Second, The year in which the tax was assessed.

Third, The total amount of the tax.

Fourth, The date when the abatement was made.

Fifth, The sum abated on poll tax.

Sixth, The sum abated on personal estate.

Seventh, The sum abated on real estate.

Eighth, The total sum abated.

Ninth, In case of an abatement to put into effect a statutory exemption, exact reference to the statutory provision under which the exemption is granted and in all other cases a statement of the cause or reason for the abatement.

Record to be signed by the clerk or secretary of the board of assessors.

If the record of an abatement is made as a part of the record of a meeting of the board of assessors it shall be signed by the clerk or secretary of the board for that meeting. If not so made, it shall be signed by a majority of the board.

No abatement to be made until the list of persons assessed is in the possession of the board.

SECTION 2. Except as provided by section eighty-three of Part I of chapter four hundred and ninety of the acts of the year nineteen hundred and nine, no abatement shall be made of a tax assessed upon personal estate until the list of the person assessed, pursuant to the provisions of section forty-one of Part I of said chapter four hundred and ninety and in the form provided in sections forty-two and forty-three of said Part I, is in the possession of the board of assessors.

R. L. 25, § 69, amended.

SECTION 3. Section sixty-nine of chapter twenty-five of the Revised Laws is hereby amended by inserting after the word "value", in the eighth line, the words:— or who causes an abatement to be made otherwise than is provided by law,— so as to read as follows:— *Section 69.* An assessor, assistant assessor or other person chosen

Penalty for false valuation of property.

to determine the valuation of property for the purpose of taxation who, in order that the tax payers may escape payment of their just proportion of any state or county tax or in order to evade any law limiting municipal indebtedness or the rate of taxation to a percentage of valuation or for any other fraudulent or corrupt purpose, knowingly fixes the valuation of any property at a smaller or greater amount than its full and fair cash value, or who causes an abatement to be made otherwise than is provided by law, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

SECTION 4. This act shall take effect upon its passage.

*Approved June 18, 1909.*

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AN ACT TO AUTHORIZE THE TOWN OF STOUGHTON TO REFUND ITS WATER DEBT.

*Chap. 518*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Stoughton, for the purpose of refunding its outstanding water bonds or a part thereof, issued under the provisions of chapter two hundred and forty of the acts of the year eighteen hundred and eighty-six and of acts in amendment thereof or in addition thereto, may issue from time to time bonds, notes or scrip to an amount not exceeding six thousand dollars in each of the years nineteen hundred and ten, nineteen hundred and eleven and nineteen hundred and twelve, and to an amount not exceeding eight thousand dollars in each of the years from nineteen hundred and thirteen to nineteen hundred and twenty-three inclusive; but the total amount of such issues shall not exceed one hundred and six thousand dollars. The said securities shall bear on their face the words, Stoughton Refunding Water Loan, Act of 1909; shall be payable at periods not exceeding fifteen years from the dates of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners. The town may sell said securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may

Stoughton  
Refunding  
Water Loan,  
Act of 1909.

Proviso.

deem proper: *provided*, that they shall not be sold for less than the par value thereof. The proceeds shall be used to discharge an equal amount of the water bonds of the town now outstanding, and for no other purpose.

Payment of loan.

SECTION 2. The town shall, at the time of authorizing said loan, provide for the payment thereof within the time prescribed by this act, and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by the town, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the assessors of the town in each year thereafter, in a manner similar to that in which other taxes are assessed, until the debt incurred by said loan is extinguished.

SECTION 3. This act shall take effect upon its passage.

*Approved June 18, 1909.*

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*Chap. 519* AN ACT TO INCORPORATE THE BOSTON RAILROAD HOLDING COMPANY.

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*Be it enacted, etc., as follows:*

Boston Railroad Holding Company incorporated, purpose of incorporation, etc.

SECTION 1. Walter C. Baylies, Robert M. Burnett, Frederic C. Dumaine, their associates and successors, are hereby made a corporation by the name of the Boston Railroad Holding Company, for the sole purpose of acquiring and holding the whole or any part of the capital stock, bonds and other evidences of indebtedness of the Boston and Maine Railroad, and of voting upon all certificates of stock so acquired and held, and of receiving and collecting dividends and interest upon said stock, bonds and other evidences of indebtedness; and for said purpose said corporation shall have the powers and privileges and be subject to the liabilities, duties and provisions contained in sections two, three, four, six, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-five, forty-six, forty-seven,

forty-eight, forty-nine, fifty, seventy-one, seventy-two, seventy-three, seventy-four, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine and ninety of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three, and acts in amendment thereof and in addition thereto, so far as said sections and acts are not inconsistent with the provisions of this act.

SECTION 2. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and said corporation may, at a meeting duly called for the purpose, by a vote of a majority of all its stock, authorize an increase or reduction of its capital stock in the manner provided by sections forty and forty-one of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three: *provided*, that such increase or reduction shall be approved by the board of railroad commissioners. A majority of the officers and directors of the Boston and Maine Railroad and of said corporation shall be citizens of Massachusetts, and the principal offices and places of business of said corporations shall be in the city of Boston, in said commonwealth, and all meetings of the directors of said corporations shall be held in this commonwealth.

Capital stock,  
etc.

Proviso.

SECTION 3. The stock of the Boston and Maine Railroad which may be acquired by said Boston Railroad Holding Company shall not be sold by it without express authority from the legislature; and any proposed sale thereof shall be reported to the board of railroad commissioners, who shall investigate and report to the legislature respecting the advisability or expediency of such sale. The bonds, notes or other evidences of indebtedness of the Boston and Maine Railroad which may be acquired by said Boston Railroad Holding Company shall not be sold, transferred, pledged or otherwise disposed of without the approval of the board of railroad commissioners, but this provision shall not be construed so as to impair the rights of creditors of said Boston Railroad Holding Company to secure payment of any indebtedness due them.

Stock of the  
Boston and  
Maine Rail-  
road acquired  
by the corpo-  
ration not to  
be sold with-  
out authority  
of the legis-  
lature, etc.

SECTION 4. Any railroad corporation incorporated at the date of the passage of this act under the laws of this commonwealth may guarantee the principal of and the

Certain rail-  
road corpora-  
tions may  
guarantee the  
evidences of



indebtedness  
of the new  
corporation,  
etc.

Provisos.

dividends and interest upon the capital stock, bonds, notes and other evidences of indebtedness of said Boston Railroad Holding Company, and may acquire and hold said stock, bonds, notes and other evidences of indebtedness: *provided, however*, that the shares of stock of said Boston Railroad Holding Company shall not be sold or transferable until said stock has been guaranteed as hereinbefore provided. Any railroad corporation acquiring said stock as hereinbefore provided shall not thereafter sell the same without the express authority of the legislature. The commonwealth may at any time by act of the legislature, upon one year's notice, take or acquire by purchase or otherwise the stock, bonds, notes and other evidences of indebtedness issued by the said Boston Railroad Holding Company; *provided, however*, that such taking or purchase shall include all said securities of said company; and upon motion of the attorney-general, the compensation to be paid therefor shall be determined in the manner provided in section seven of Part II of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six. In the event of such taking the commonwealth shall secure any corporation from which stock, bonds, notes or other evidences of indebtedness are taken against any liability arising by reason of its having guaranteed the principal thereof and the dividends and interest thereon under authority of this act. The acquisition by any railroad corporation, as hereinbefore provided, of any of the stock, bonds, notes or other evidences of indebtedness of said Boston Railroad Holding Company shall be deemed to be an acceptance by such railroad corporation of all of the terms and provisions of this act.

SECTION 5. This act shall take effect upon its passage.

*Approved June 18, 1909.*

## Chap. 520

### AN ACT RELATIVE TO THE EAST BOSTON COMPANY.

*Be it enacted, etc., as follows:*

The East  
Boston Com-  
pany may  
purchase, etc.,  
additional  
real estate.

SECTION 1. The East Boston Company, incorporated by chapter one hundred and fifty-two of the acts of the year eighteen hundred and thirty-three, is hereby authorized to purchase and hold, in addition to the real estate now owned by said company, other real estate in that part

of Boston known as East Boston or in the towns adjacent thereto not exceeding in value five hundred thousand dollars.

SECTION 2. Said corporation, for the purpose of acquiring such real estate and for the purpose of improving any of its property by the construction of wharves, piers, buildings or otherwise, or for any other purpose incident thereto, may increase its capital stock in the manner provided for the increase of capital stock of business corporations by chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three and acts in amendment thereof and in addition thereto, and shall hereafter, in addition to the powers conferred by its charter, be entitled to exercise all the powers and privileges of corporations organized under the provisions of said chapter four hundred and thirty-seven, and acts in amendment thereof and in addition thereto, and shall be subject to all the liabilities therein imposed upon such corporations: *provided, however,* that no shares shall be issued except for cash actually paid in at not less than par value, which shall be ten dollars per share, nor shall any share be issued which shall have a preference over shares outstanding at the date of the passage of this act.

May increase  
its capital  
stock.

Proviso.

SECTION 3. Section three of chapter one hundred and fifty-two of the acts of the year eighteen hundred and thirty-three is hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

*Approved June 18, 1909.*

AN ACT MAKING AN APPROPRIATION FOR AN INVESTIGATION AND REPORT RELATIVE TO PUBLIC IMPROVEMENTS FOR THE METROPOLITAN DISTRICT.

Chap.521

*Be it enacted, etc., as follows:*

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the Metropolitan Parks Maintenance Fund, for the purpose of meeting the expenses of an investigation and report relative to public improvements for the metropolitan district by the board of railroad commissioners, the board of harbor and land commissioners, the Boston transit commission, and the metropolitan park commission, sitting as a joint board, as

Appropriation.

provided by chapter one hundred and thirteen of the resolves of the present year.

SECTION 2. This act shall take effect upon its passage.

*Approved June 18, 1909.*

*Chap. 522* AN ACT TO PROVIDE FOR IMPROVEMENTS AND ADDITIONS  
AT CERTAIN STATE INSTITUTIONS.

*Be it enacted, etc., as follows:*

Prisons  
and Hospitals  
Loan.

SECTION 1. To provide funds for the construction or enlargement of certain public institutions hereinafter named, and for the proper keeping of the insane and others committed to the care of the commonwealth, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding five hundred and eight thousand dollars, for a term not exceeding thirty years. Such scrip or certificates of indebtedness shall be issued as registered bonds, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of May and November. They shall be designated on the face thereof as the Prisons and Hospitals Loan, shall be countersigned by the governor, shall be deemed a pledge of the faith and credit of the commonwealth, and the principal and interest thereof shall be paid at the times specified therein in gold coin of the United States or its equivalent. Such scrip or certificates of indebtedness shall be disposed of at public auction, or in such other manner, and at such times and prices, and in such amounts, and shall bear such rates of interest, not exceeding four per cent per annum, as shall be deemed for the best interests of the commonwealth; but none of the same shall be sold at less than the par value thereof. The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the Prisons and Hospitals Loan Sinking Fund, shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act; and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said bonds. The amount

Sinking fund.

necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

SECTION 2. From the aforesaid loan expenditures may be made as follows: — By the trustees of the Lyman and industrial schools, at the Lyman school for boys, a sum not exceeding forty-seven thousand dollars, for constructing a new double cottage.

Expenditures.  
Lyman and  
industrial  
schools, school  
for boys.

By the trustees of the state colony for the insane, a sum not exceeding twenty-two thousand three hundred and fifty dollars, for the following purposes: — For constructing and piping a water tower, a sum not exceeding twelve thousand dollars; for the purchase of additional land, a sum not exceeding three hundred and fifty dollars; and for constructing and equipping two industrial buildings, a sum not exceeding ten thousand dollars.

State colony  
for the insane.

By the trustees of the state farm, a sum not exceeding one hundred eighty-three thousand five hundred dollars, for the following purposes: — For the construction of an addition to the prison, a sum not exceeding eighty-one thousand dollars; for the construction of a building for the criminal insane, a sum not exceeding ninety thousand dollars; for the erection of a water tower, a sum not exceeding seventy-five hundred dollars; and for the purchase of additional real estate, a sum not exceeding five thousand dollars.

State farm.

By the trustees of the state hospital, a sum not exceeding ninety-one thousand three hundred dollars, for the following purposes: — For the enlargement of the men's consumptive hospital, a sum not exceeding twenty thousand five hundred dollars; for the enlargement of the women's consumptive hospital, a sum not exceeding fourteen thousand five hundred dollars; for the enlargement of the nurses' home, a sum not exceeding twenty-one thousand three hundred dollars; and for additions to the heating and lighting plant and for furnishing certain new buildings, a sum not exceeding thirty-five thousand dollars.

State hospital.

By the trustees of the Westborough insane hospital, a sum not exceeding sixty thousand dollars, for constructing and furnishing a new building for the acute insane.

Westborough  
insane hospital.

By the trustees of the Worcester insane asylum, a sum not exceeding seventy-two thousand five hundred dollars,

Worcester in-  
sane asylum.

for the following purposes: — For constructing and furnishing a dining room building, a sum not exceeding thirty-five thousand dollars; for constructing and furnishing three houses for employees, a sum not exceeding eighteen thousand dollars; for an additional water supply, a sum not exceeding twelve thousand five hundred dollars; and for completing the system of sewage disposal, a sum not exceeding seven thousand dollars.

Lyman and industrial schools, school for girls.

By the trustees of the Lyman and industrial schools, at the state industrial school for girls, a sum not exceeding thirty-one thousand three hundred and fifty dollars for constructing and furnishing a dormitory complete for thirty inmates.

Repeal of certain acts.

SECTION 3. So much of chapter seventy-nine of the resolves of the present year as authorizes an expenditure of sixty thousand dollars for the construction of a new building for the acute insane at the Westborough insane hospital; so much of chapter one hundred of the resolves of the present year as authorizes an expenditure of ten thousand dollars for constructing and equipping two industrial buildings at the state colony for the insane; so much of chapter one hundred and five of the resolves of the present year as authorizes an expenditure of thirty-one thousand five hundred dollars for constructing and furnishing a dormitory complete for thirty inmates at the state industrial school for girls; so much of chapter one hundred and seven of the resolves of the present year as authorizes an expenditure of thirty-five thousand dollars for additions to the heating and lighting plant and for furnishing certain new buildings at the state hospital, and any provisions made in any appropriation bills for carrying out the provisions of the resolves cited in this section are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

*Approved June 18, 1909.*

### *Chap. 523* AN ACT TO AUTHORIZE THE TOWN OF CLARKSBURG TO REFUND ITS INDEBTEDNESS.

*Be it enacted, etc., as follows:*

The town of Clarksburg may renew or refund its indebtedness, etc.

SECTION 1. The town of Clarksburg is hereby authorized to extend, renew or refund its present indebtedness or a part thereof, and for this purpose may issue bonds



or notes to an amount not exceeding eight thousand eight hundred dollars. The said bonds or notes shall be signed by the treasurer and countersigned by the selectmen of the town, shall bear interest at a rate not exceeding four and one half per cent per annum, and shall be payable at the rate of not less than five hundred dollars in each year, beginning with the year nineteen hundred and ten and including the year nineteen hundred and twenty-six. Three hundred dollars shall be payable in the year nineteen hundred and twenty-seven. The said notes or bonds shall be disposed of at public or private sale and upon such terms and conditions as the selectmen may determine, but they shall not be sold for less than the par value thereof. Of the said eight thousand eight hundred dollars, six thousand eight hundred dollars shall be borrowed within the statutory debt limit of the town and two thousand dollars may be borrowed outside of the said debt limit. The amount required annually to pay the interest on the said loan, and so much of the principal as comes due, shall be raised annually by taxation in the same manner in which other taxes are raised without any action by the town other than its vote to borrow the said sum.

The town of Clarksburg may renew or refund its indebtedness, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved June 18, 1909.*

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AN ACT RELATIVE TO CHARLES RIVER BASIN AND THE CONTROL THEREOF BY THE METROPOLITAN PARK COMMISSION.

*Chap. 524*

*Be it enacted, etc., as follows:*

SECTION 1. The Charles river basin commission shall certify in writing to the governor and council the date at which, in the opinion of said commission, the main parts of the work which the commission was authorized to construct and perform by chapter four hundred and sixty-five of the acts of the year nineteen hundred and three and acts in addition thereto and in amendment thereof will be completed. On and after the date so certified by said commission, and in any event, on and after the first day of July in the year nineteen hundred and ten, all the powers, rights, duties and liabilities of said Charles river basin commission shall be transferred to and imposed upon the metropolitan park commission, and the Charles river basin

The Charles river basin commission to certify the date when certain work will be completed, etc.

commission shall be abolished. No contracts, liabilities or suits existing on the day on which the Charles river basin commission is abolished, as provided for in this section, shall be affected by this act, but the metropolitan park commission shall in all respects and for all purposes be the lawful successor of the Charles river basin commission. A copy of said certificate of the Charles river basin commission attested by the secretary of the commonwealth shall be prima facie evidence that the Charles river basin commission was abolished on the date certified therein by said commission, and that the metropolitan park commission has become the lawful successor of the Charles river basin commission in the manner herein provided. The commonwealth shall assume all liabilities in any suit at law or in equity either pending or hereafter brought against the Charles river basin commissioners on account of their work or any connection therewith, and the commonwealth shall be deemed by this act to have assumed said liabilities, and the commissioners are hereby relieved of the same. The attorney-general shall defend any such suit and the expense thereof shall be paid out of the proceeds of the sale of notes, bonds or scrip issued under authority of section eight of said chapter four hundred and sixty-five and acts in addition thereto and in amendment thereof.

Copy of the certificate to be evidence that the commission is abolished, etc.

The word "basin" construed, etc.

SECTION 2. The word "basin", as hereinafter used in this act, shall be construed to mean the dam and any lock, highway, park, parkway, drawbridge or sluiceway constructed in connection therewith under authority of said chapter four hundred and sixty-five and acts in addition thereto and in amendment thereof, the wall, embankment, park, parkway or street constructed under authority of section twelve of said chapter as amended by chapter four hundred and two of the acts of the year nineteen hundred and six, the marginal conduits constructed on the south side of the basin under section five of said chapter four hundred and sixty-five with the right to enter upon the lands of the city of Boston for the purpose of rebuilding, repairing or cleaning said conduits, the Charles river and the waters thereof, including the public navigable arms, tributaries and inlets thereof, whether covered by ice or not, lying between said dam constructed under authority of said chapter four hundred and sixty-five and

the lower dam across said river at Watertown, and all lands or rights therein taken by eminent domain or otherwise acquired by the Charles river basin commission either for the commonwealth or for the city of Boston under authority of said chapter four hundred and sixty-five and of acts in addition thereto or in amendment thereof. The word "basin", as used in this act, shall not include the elevated railway structure built by the Boston Elevated Railway Company under the provisions of section twenty-one of chapter five hundred and twenty of the acts of the year nineteen hundred and six.

SECTION 3. The metropolitan park commission shall have and exercise exclusive care and control of said basin, as herein defined, as a part of the metropolitan parks system, and of all poles, wires and other structures placed or to be placed on, across, over or in any part of said basin and of the placing thereof except on, across, over or in any existing highway of any city or town or any bridge of any railroad company across said basin. The metropolitan park commission shall also have and exercise over said basin all other powers, duties and liabilities now conferred or imposed upon said commission by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and acts in addition thereto and in amendment thereof, so far as the provisions of said acts are consistent with the provisions of this act. The metropolitan park commission may license the maintenance of floats and boat landings and other structures in and upon the waters of said basin upon such terms and conditions as they deem that the public interests require, and no float or boat landing or other structure shall be maintained in or upon the waters of said basin without such license: *provided, however*, that no such license shall be granted to be exercised in that part of said basin which lies easterly of Cottage Farm bridge, so-called, except under the authority of chapter four hundred and four of the acts of the year nineteen hundred and seven, or of section ten of this act.

The metropolitan park commission to have care and control of the basin.

Proviso.

SECTION 4. The city of Boston shall be responsible for the operation and maintenance of the work on the south side of said basin designated in, or constructed under authority of, section ten of said chapter four hundred and sixty-five. The city of Cambridge shall be responsible for

Responsibility for the operation and maintenance of certain work, etc.

the operation, care and maintenance of the marginal conduit constructed on the north side of said basin under authority of section five of said chapter four hundred and sixty-five, except for such parts of said conduit as lie within said dam or land acquired by the Charles river basin commission for the commonwealth.

Rules and regulations, etc.

SECTION 5. The metropolitan park commission may make reasonable rules and regulations, not unreasonably impairing freight traffic, for the care, maintenance, protection and policing of said basin as herein defined, breaches of which rules shall be breaches of the peace punishable by a fine of not more than fifty dollars for each offence. Said commission shall cause the rules and regulations made by it under this act to be published three times in one or more newspapers published in the city of Boston, and such publication shall be sufficient notice to all persons. The sworn certificate of any member of the commission or of its secretary that said rules and regulations have been published as herein provided shall be prima facie evidence thereof. A copy of any such rule or regulation attested by any member of said commission or its secretary, shall be prima facie evidence that said rule or regulation was made by said commission as provided herein.

Operation of locks and drawbridges to be without charge, etc.

SECTION 6. The metropolitan park commission throughout the year shall operate the locks and any drawbridges connected with said dam, without charge, and shall maintain said locks and the channels and canals authorized by section four of said chapter four hundred and sixty-five, at the depths provided for in said act and clear of obstructions caused by natural shoaling or incident to the building of said dam, and shall, except in cases of emergency, maintain the water of said basin at such a level that any vessel ready to pass through said locks and requiring no more depth of water than is provided for by said section four, can pass through to the wharves therein mentioned.

Removal of sewage, etc.

SECTION 7. The metropolitan park commission may order the removal of all sewage, and other polluting matter or factory waste as a common nuisance from said Charles river and its tributaries below the city of Waltham and from said basin, and no sewer, drain or overflow or other outlet for factory or house drainage, or for any other drain-

age shall hereafter be connected with said basin or the river below said city without the approval of the metropolitan park commission. The metropolitan park commission shall be deemed a party in interest within the meaning of that term as used in section three of chapter four hundred and eighty-five of the acts of the year nineteen hundred and seven for the purpose of enforcing the provisions of that act and preventing any violation thereof.

SECTION 8. The municipal court of the city of Boston, in addition to its present jurisdiction, shall have and exercise concurrently with the municipal court of the Roxbury district, the Brighton district court, the second district court of eastern Middlesex, the third district court of eastern Middlesex and the police court of Newton, the same criminal jurisdiction which said courts have within their respective districts over any territory included in said basin as defined in section two of this act.

Jurisdiction  
of courts.

SECTION 9. The courts in the county of Suffolk shall have jurisdiction of all crimes committed in any part of the town of Watertown or the cities of Cambridge or Newton lying within said basin as defined in section two of this act concurrently with the courts in the county of Middlesex.

Same subject.

SECTION 10. On and after the date certified by the Charles river basin commission, as provided by section one of this act, and in any event on and after the first day of July in the year nineteen hundred and ten, the metropolitan park commission alone shall exercise the authority granted to said commission and said Charles river basin commission jointly by chapter four hundred and four of the acts of the year nineteen hundred and seven relative to the granting of boat-house locations. The metropolitan park commission shall also have authority to lease to individuals or corporations locations for boat-houses, together with floats and landings in connection therewith, upon so much of the park or parkway provided for by chapter four hundred and two of the acts of the year nineteen hundred and six as lies between the Cambridge bridge and Mount Vernon street extended to the waters of the basin, or upon any lands under the care and control of said commission lying in any part of said basin and river up stream from and above Cottage Farm bridge, so-called. Said leases

The metropolitan park  
commission  
to have full  
authority after  
a certain date,  
etc.



shall be upon such terms and conditions and for such a period, not exceeding twenty-five years, as said commission may deem best.

Appropriations  
for expenses,  
etc.

SECTION 11. From the time when the metropolitan park commission becomes invested with the care and control of said basin as herein provided, until the general court which convenes next thereafter shall have made an appropriation to meet the expense of carrying out the provisions of this act, said expenses shall be paid out of the proceeds of the sale of notes, bonds or scrip issued under authority of section eight of said chapter four hundred and sixty-five, as amended by section one of chapter four hundred and two of the acts of the year nineteen hundred and six, and shall be deemed to be a part of the cost of construction of said dam. The provisions of said chapter four hundred and sixty-five and of acts in amendment thereof relative to the apportionment and payment of the expense of maintenance incurred under section seven of said chapter shall apply to the apportionment and payment of the expense of maintenance under this act. Nothing contained in this act shall be construed to affect the provisions of chapter four hundred and two of the acts of the year nineteen hundred and six relative to the apportionment, assessment and payment of the cost of construction and maintenance of any part of said basin as defined in section two of this act.

SECTION 12. This act shall take effect upon its passage.

*Approved June 18, 1909.*

*Chap. 525* AN ACT MAKING APPROPRIATIONS FOR SUNDRY SINKING FUNDS.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sum of three hundred seventy-eight thousand four hundred and forty-five dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the benefit of the following sinking funds, to wit:—

Armory Loan  
Sinking Fund.

For the Armory Loan Sinking Fund, the sum of fifty-four thousand nine hundred and twenty-three dollars.

Harbor Im-  
provement  
Loan Sinking  
Fund.

For the Harbor Improvement Loan Sinking Fund, the sum of thirty-three hundred and eighty-four dollars.

For the Massachusetts War Loan Sinking Fund, the sum of eighteen thousand one hundred and thirty-nine dollars. Massachusetts War Loan Sinking Fund.

For the Medfield Insane Asylum Loan Sinking Fund, the sum of twenty-nine thousand five hundred and fifty-nine dollars. Medfield Insane Asylum Loan Sinking Fund.

For the Metropolitan Parks Loan Sinking Fund, boulevards, one half, the sum of thirty thousand five hundred and thirty-six dollars. Metropolitan Parks Loan Sinking Fund.

For the Prisons and Hospitals Loan Sinking Fund, the sum of eighty thousand seven hundred and forty-four dollars. Prisons and Hospitals Loan Sinking Fund.

For the State Highway Loan Sinking Fund, the sum of eighty-four thousand five hundred and fifty-three dollars. State Highway Loan Sinking Fund.

For the State House Loan Sinking Fund, the sum of seventy-six thousand six hundred and seven dollars. State House Loan Sinking Fund.

SECTION 2. This act shall take effect upon its passage.

*Approved June 18, 1909.*

AN ACT RELATIVE TO THE PRACTICE OF OSTEOPATHY.

*Chap. 526*

*Be it enacted, etc., as follows:*

SECTION 1. Any person who was actively engaged in the practice of osteopathy in this commonwealth prior to the first day of January, nineteen hundred and nine, and who shall present to the board of registration in medicine satisfactory evidence that he is twenty-one years of age and of good moral character, and that he is a graduate in good standing of, and holds a diploma from, a regularly conducted school or college of osteopathy within the United States, which at the time of his graduation required a course of study of twenty months or longer, including the subjects of anatomy, physiology, pathology, hygiene, chemistry, gynecology, diagnosis and theory and the practice of osteopathy, with an actual attendance of not less than twenty months, or who has practiced osteopathy in this commonwealth for the four years prior to the passage of this act, which facts shall be set forth in an affidavit, shall upon application on a blank furnished by said board, signed and sworn to by the applicant, and upon payment of a fee of ten dollars, be registered as an osteopath, and

Practice of osteopathy.

**Proviso.** a certificate in testimony thereof shall be given to him, signed by the chairman and secretary of said board: *provided*, that such application shall be made on or before the thirtieth day of September, nineteen hundred and nine, after which date all action under this section shall cease.

**Application for examination.**

**SECTION 2.** Any person who is twenty-one years of age and of good moral character, and who shall have been actually engaged in the practice of osteopathy in this commonwealth prior to the first day of January, nineteen hundred and nine, may, upon the payment of a fee of ten dollars, make application to said board to be examined in the subjects named in section one: *provided*, that such application is made on or before September thirtieth, nineteen hundred and nine. If, upon such examination by said board, the applicant shall be found qualified, he shall be registered as an osteopath and shall be entitled to the certificate provided for in section one. An applicant who fails to pass an examination satisfactory to said board, and who is therefore refused registration, shall be entitled, within six months after such refusal, to a re-examination without the payment of an additional fee.

**Proviso.**

**Restrictions on persons registered as osteopaths.**

**SECTION 3.** Persons registered hereunder shall not be permitted to prescribe or administer drugs for internal use, or to perform major operations in surgery, or to engage in the practice of obstetrics, or to hold themselves out, by virtue of such registration, as and for other than osteopaths.

**Penalty for violations of provisions.**

**SECTION 4.** Any person registered under this act who shall violate any provision of the preceding section shall be subject to the penalties imposed upon unlicensed practitioners by section eight of chapter seventy-six of the Revised Laws.

**Terms defined.**

**SECTION 5.** The terms "osteopathy" and "osteopathic", as used in this act or in relation to the registration and practice of osteopathic physicians, shall have the same legal construction and meaning as the terms "medicine" and "medical" as used in chapter seventy-six of the Revised Laws and in acts in amendment thereof, where such construction and meaning shall not be inconsistent with the provisions of section three of this act.

SECTION 6. Section nine of chapter seventy-six of the Revised Laws is hereby amended by striking out the word “osteopathists”, in the eighteenth line. R. L. 76, § 9, amended.

SECTION 7. This act shall take effect upon its passage.

*Approved June 19, 1909.*

AN ACT RELATIVE TO THE TAXATION OF LEGACIES AND  
SUCCESSIONS. *Chap. 527*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter five hundred and sixty-three of the acts of the year nineteen hundred and seven, as amended by chapter two hundred and sixty-eight of the acts of the year nineteen hundred and nine, is hereby further amended by striking out the word “law”, in the eleventh line, and inserting in place thereof the words:—the laws of this commonwealth,— by inserting after the word “purposes”, in the thirteenth line, the words:—to be carried out within this commonwealth,— and by inserting after the word “town”, in the thirteenth line, the words:—within this commonwealth,— so as to read as follows:—*Section 1.* All property within the jurisdiction of the commonwealth, corporeal or incorporeal, and any interest therein, whether belonging to inhabitants of the commonwealth or not, which shall pass by will, or by the laws regulating intestate succession, or by deed, grant, or gift, except in cases of a bona fide purchase for full consideration in money or money’s worth, made or intended to take effect in possession or enjoyment after the death of the grantor, to any person, absolutely or in trust, except to or for the use of charitable, educational or religious societies or institutions, the property of which is by the laws of this commonwealth exempt from taxation, or for or upon trust for any charitable purposes, to be carried out within this commonwealth, or to or for the use of a city or town within this commonwealth for public purposes, or to or for the use of (class A) the husband, wife, lineal ancestor, lineal descendant, adopted child, the lineal descendant of any adopted child, the adoptive parent or lineal ancestor of an adoptive parent, the wife or widow of a son, or the husband of a

1907, 563, § 1,  
etc., amended.

Taxation of  
legacies and  
successions,  
etc.

Taxation of  
legacies and  
successions,  
etc.

daughter, of a decedent, or to or for the use of (class B) the brother, sister, nephew or niece of a decedent, shall be subject to a tax of five per cent of its value for the use of the commonwealth; and such property which shall so pass to or for the use of a member of class A shall be subject to a tax of one per cent of its value for the use of the commonwealth if such value does not exceed fifty thousand dollars, to a tax of one and one half per cent if its value exceeds fifty thousand and does not exceed one hundred thousand dollars, and to a tax of two per cent if its value exceeds one hundred thousand dollars; and such property which shall so pass to or for the use of a member of class B shall be subject to a tax of three per cent of its value for the use of the commonwealth if such value does not exceed twenty-five thousand dollars, to a tax of four per cent if its value exceeds twenty-five thousand and does not exceed one hundred thousand dollars, and to a tax of five per cent if its value exceeds one hundred thousand dollars; and administrators, executors and trustees, and any grantees under such conveyance made during the grantor's life, shall be liable for such taxes, with interest, until the same have been paid; but no bequest, devise or distributive share of an estate which shall so pass to or for the use of a husband, wife, father, mother, child, adopted child, adoptive father or adoptive mother of the deceased, unless its value exceeds ten thousand dollars, and no other bequest, devise or distributive share of an estate unless its value exceeds one thousand dollars, shall be subject to the provisions of this act; but no tax shall be exacted upon property so passing which shall reduce its value below the amount of the above exemptions.

1907, 563, § 4,  
amended.

Taxes im-  
posed under  
this act pay-  
able to the  
treasurer and  
receiver gen-  
eral, etc.

SECTION 2. Section four of said chapter five hundred and sixty-three is hereby amended by striking out the words "but if legacies or distributive shares are paid within the two years, the taxes thereon shall be payable at the same time", in the fifth, sixth and seventh lines, so as to read as follows: — *Section 4.* Except as herein-after provided, taxes imposed by the provisions of this act shall be payable to the treasurer and receiver general by the executors, administrators or trustees at the expiration of two years after the date of their giving bond. If the probate court, acting under the provisions of section



thirteen of chapter one hundred and forty-one of the Revised Laws, has ordered the executor or administrator to retain funds to satisfy a claim of a creditor, the payment of the tax may be suspended by the court to await the disposition of such claim. In all cases where there shall be a grant, devise, descent, or bequest to take effect in possession or come into actual enjoyment after the expiration of one or more life estates or a term of years, the taxes thereon shall be payable by the executors, administrators or trustees in office when such right of possession accrues, or, if there is no such executor, administrator or trustee, by the person or persons so entitled thereto, at the expiration of one year after the date when the right of possession accrues to the person or persons so entitled. If the taxes are not paid when due, interest shall be charged and collected from the time the same became payable. Property of which a decedent dies seized or possessed, subject to taxes as aforesaid, in whatever form of investment it may happen to be, and all property acquired in substitution therefor, shall be charged with a lien for all taxes and interest thereon which are or may become due on such property; but said lien shall not affect any personal property after the same has been sold or disposed of for value by the executors, administrators or trustees. The lien charged by this act upon any real estate or separate parcel thereof may be discharged by the payment of all taxes due and to become due upon said real estate or separate parcel, or by an order or decree of the probate court discharging said lien and securing the payment to the commonwealth of the tax due or to become due by bond or deposit as hereinafter provided, or by transferring such lien to other real estate owned by the owner or owners of said real estate or separate parcel thereof.

Taxes imposed under this act payable to the treasurer and receiver general, etc.

SECTION 3. Section six of said chapter five hundred and sixty-three is hereby amended by striking out the words "Actuaries' Combined Experience Tables", in the twelfth and thirteenth lines, and inserting in place thereof the words: — "American Experience Tables", — so as to read as follows: — *Section 6.* Except as hereinafter provided, said tax shall be assessed upon the actual value of the property at the time of the death of the decedent. In every case where there shall be a devise, descent, bequest

1907, 563, § 6, amended.

Tax to be assessed upon actual value, etc.

or grant to take effect in possession or enjoyment after the expiration of one or more life estates or a term of years, the tax shall be assessed on the actual value of the property or the interest of the beneficiary therein at the time when he becomes entitled to the same in possession or enjoyment. The value of an annuity or a life interest in any such property, or any interest therein less than an absolute interest, shall be determined by the "American Experience Tables" at four per cent compound interest.

1907, 563, § 7,  
amended.

Persons en-  
titled to a  
future interest  
may pay tax.

SECTION 4. Section seven of said chapter five hundred and sixty-three is hereby amended by striking out the words "the future", in the tenth line, and inserting in place thereof the word: — any, — so as to read as follows: — *Section 7.* Any person or persons entitled to a future interest or to future interests in any property may pay the tax on account of the same at any time before such tax would be due in accordance with the provisions hereinbefore contained, and in such cases the tax shall be assessed upon the actual value of the interest at the time of the payment of the tax, and such value shall be determined by the tax commissioner as hereinafter provided. In every case in which it is impossible to compute the present value of any interest the tax commissioner may, with the approval of the attorney-general, effect such settlement of the tax as he shall deem to be for the best interests of the commonwealth, and payment of the sum so agreed upon shall be a full satisfaction of such tax.

1907, 563, § 13,  
amended.

Inventory,  
etc., to be  
filed by an  
executor  
within three  
months after  
appointment,  
etc.

SECTION 5. Section thirteen of said chapter five hundred and sixty-three is hereby amended by striking out the word "An", in the first line, and inserting in place thereof the words: — A full and complete, — by inserting after the word "appointment", in the fourth line, the words: — and such inventory shall contain a complete list of all the assets within the knowledge of the said executor, administrator or trustee, — and by inserting after the word "such", in the fifth line, the word: — an, — so as to read as follows: — *Section 13.* A full and complete inventory and appraisal under oath of every estate shall be filed in the probate court or with the tax commissioner by the executor, administrator or trustee within three months after his appointment, and such inventory shall contain a complete list of all the assets within the knowledge of the said executor, administrator or trustee. If he neglects or

refuses to file such an inventory and appraisal he shall be liable to a penalty of not more than one thousand dollars, which shall be recovered by the tax commissioner for the use of the commonwealth, and the register of probate shall notify the tax commissioner within thirty days after the expiration of said three months of the failure of any executor, administrator or trustee to file an inventory and appraisal in his office.

SECTION 6. Section fourteen of said chapter five hundred and sixty-three, as amended by chapter two hundred and sixty-eight of the acts of the year nineteen hundred and eight, is hereby further amended by striking out the first sentence and inserting in place thereof the following:— Within thirty days after the filing of the inventory and appraisal provided for in the preceding section, the register of probate shall send by mail to the tax commissioner a copy thereof, — and by striking out the last sentence and inserting in place thereof the following:— A refusal or neglect by the register so to send a copy of such inventory and appraisal, or to furnish such copies or information shall be a breach of his official bond; but the tax commissioner may excuse the register from filing inventories or copies of inventories and of wills of estates no part of which, in his judgment, appears to be subject to a tax under the provisions of this chapter, — so as to read as follows:— *Section 14.* Within thirty days after the filing of the inventory and appraisal provided for in the preceding section, the register of probate shall send by mail to the tax commissioner a copy thereof. The register shall also, within the same period, send by mail to the tax commissioner a copy of the will of the decedent, if such has been allowed by the probate court. The register shall also furnish such copies of papers in his office as the tax commissioner shall require, and shall furnish information as to the records and files in his office in such form as the tax commissioner may require. A refusal or neglect by the register so to send a copy of such inventory and appraisal, or to furnish such copies or information shall be a breach of his official bond; but the tax commissioner may excuse the register from filing inventories or copies of inventories and of wills of estates no part of which, in his judgment, appears to be subject to a tax under the provisions of this chapter.

1907, 563, § 14,  
amended.

Copy of inventory to be sent to the tax commissioner, etc.

1907, 563, § 16.  
amended.

Securities  
belonging to  
the estate of  
a deceased  
non-resident  
not to be  
delivered  
unless, etc.

SECTION 7. Said chapter five hundred and sixty-three is hereby further amended by striking out section sixteen and inserting in place thereof the following: — *Section 16.* Securities or assets belonging to the estate of a deceased non-resident shall not be delivered or transferred to a foreign executor, administrator or legal representative of such decedent, unless such executor, administrator or legal representative has been licensed to receive the said securities or assets under the provisions of section three of chapter one hundred and forty-eight of the Revised Laws. License to receive, sell, transfer or convey securities or assets under the provisions of section three of said chapter one hundred and forty-eight of the Revised Laws shall not be granted unless it appears to the judge of the probate court that all taxes imposed by the provisions of this act have been paid or secured according to law. Any person or corporation that delivers or transfers any securities or assets belonging to the estate of a non-resident decedent before all taxes imposed thereon by the provisions of this act have been paid or secured according to law, shall be liable for such tax in an action of contract brought by the treasurer and receiver general. The notice required by section three of said chapter one hundred and forty-eight to be given to the treasurer and receiver general shall be given to the tax commissioner in regard to all property subject to the provisions of this act, instead of being given to the treasurer and receiver general.

Power of  
appointment,  
etc.

SECTION 8. Whenever any person shall exercise a power of appointment derived from any disposition of property made prior to September first, nineteen hundred and seven, such appointment when made shall be deemed to be a disposition of property by the person exercising such power, taxable under the provisions of chapter five hundred and sixty-three of the acts of the year nineteen hundred and seven, and of all acts in amendment thereof and in addition thereto, in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power, and had been bequeathed or devised by the donee by will; and whenever any person possessing such a power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a disposition of property taxable under the provisions of chapter five

hundred and sixty-three of the acts of the year nineteen hundred and seven and all acts in amendment thereof and in addition thereto shall be deemed to take place to the extent of such omission or failure in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure. The provisions of chapter fifteen of the Revised Laws, chapter four hundred and seventy-three of the acts of the year nineteen hundred and two, chapters two hundred and forty-eight, two hundred and fifty-one and two hundred and seventy-six of the acts of the year nineteen hundred and three, chapter four hundred and twenty-one of the acts of the year nineteen hundred and four, chapters three hundred and sixty-seven and four hundred and seventy of the acts of the year nineteen hundred and five and chapter four hundred and thirty-six of the acts of the year nineteen hundred and six are hereby repealed in so far as they apply to the taxation of property passing through or by reason of powers of appointment created in dispositions of property made subsequent to June eleventh, eighteen hundred and ninety-one and prior to September first, nineteen hundred and seven, which have not been fully exercised prior to the passage of this act or the taxes thereon settled under the provisions of chapter four hundred and twenty-one of the acts of the year nineteen hundred and four. The provisions of section twenty-five of chapter five hundred and sixty-three of the acts of the year nineteen hundred and seven are hereby repealed in so far as the same are inconsistent with the provisions of this act. Repeal, etc.

SECTION 9. Whenever an executor, administrator, trustee, or any person who is liable to taxation under the provisions of chapter five hundred and sixty-three of the acts of the year nineteen hundred and seven and all acts in amendment thereof and in addition thereto, refuses or neglects to furnish the tax commissioner with any information which in the opinion of the tax commissioner is necessary to the proper computation of the taxes payable by such executor, administrator, trustee or person, after having been requested so to do, the tax commissioner shall Powers of the tax commissioner when person liable to taxation neglects to furnish information.



certify such taxes at the highest rate at which they could in any event be computed.

Application of provisions.

SECTION 10. The provisions of sections two and four of this act shall apply to all cases in which the tax remains unpaid at the date of the passage hereof.

Same subject.

SECTION 11. The provisions of section five of this act shall not apply to executors, administrators or trustees appointed prior to the passage hereof, but such executors, administrators or trustees shall remain subject to the provisions of said section thirteen prior to its amendment.

SECTION 12. This act shall take effect upon its passage.

*Approved June 19, 1909.*

*Chap. 528* AN ACT RELATIVE TO THE FILING OF RETURNS BY GUARDIANS, EXECUTORS AND OTHERS.

*Be it enacted, etc., as follows:*

R. L. 14, § 55, etc., amended.

SECTION 1. Section fifty-five of chapter fourteen of the Revised Laws, as amended by chapter three hundred and eighteen of the acts of the year nineteen hundred and eight, is hereby further amended by striking out the last two sentences, and inserting in place thereof the following: — If a guardian, executor, administrator or trustee neglects to make the returns required by section eight on or before the tenth day of April of each year, the tax commissioner shall give notice by mail, postage prepaid, to such guardian, executor, administrator or trustee of his or its default. If he or it omits to file the said return within thirty days after such notice of default has been given, he or it shall forfeit to the commonwealth not less than five nor more than ten dollars for each day for fifteen days after the expiration of said thirty days, and not less than ten nor more than two hundred dollars for each day thereafter during which such default continues, or any other sum not greater than the maximum penalty or forfeiture which the court may deem just and equitable. The penalties or forfeitures herein provided for may be recovered in an action brought in the county of Suffolk in the name of the commonwealth, or they may be recovered by an information in equity in the name of the attorney-general at the relation of the tax commissioner brought in the supreme judicial court for the county of

Suffolk, — so as to read as follows: — *Section 55.* A corporation or agent neglecting to make the returns required by section twenty-four shall forfeit fifty dollars for every day during which such neglect continues. A corporation, company, association or partnership which fails to make the return required by section thirty-two shall forfeit twenty-five dollars. If it neglects to make such return for ten days after notice thereof, addressed to it, has been deposited in the post office, postage prepaid, it shall further forfeit five hundred dollars and upon an information by the attorney-general at the relation of the commissioner of corporations it may be restrained from the further transaction of its business in this commonwealth until it has made such return; but such penalties shall not be incurred if it is proved that the return was duly made and deposited in the post office, postage prepaid, properly directed to the tax commissioner, and that there was no neglect. If any return required by section thirty-two contains a false statement which is known, or by the exercise of reasonable care might have been known, to the agent or officer making it, to be false, such company or agent shall be liable for the amount of tax thereby lost to the commonwealth and, in addition, to a penalty of not less than five hundred nor more than five thousand dollars.

Penalty for neglect to make certain returns, etc.

Any corporation, company, co-partnership or association liable to taxation under the provisions of sections thirty-five, thirty-six, forty, forty-one, forty-eight to fifty-one, inclusive, and fifty-three neglecting to make the returns required by this chapter, or refusing or neglecting, when required, to submit to the examinations provided for therein shall forfeit such sum not greater than two per cent upon the par value of its capital stock as the court may deem just and equitable. If a guardian, executor, administrator or trustee neglects to make the returns required by section eight on or before the tenth day of April of each year, the tax commissioner shall give notice by mail, postage prepaid, to such guardian, executor, administrator or trustee of his or its default. If he or it omits to file the said return within thirty days after such notice of default has been given, he or it shall forfeit to the commonwealth not less than five nor more than ten dollars for each day for fifteen days after the expiration of said thirty days, and not less than ten nor more than two hun-

dred dollars for each day thereafter during which such default continues, or any other sum not greater than the maximum penalty or forfeiture which the court may deem just and equitable. The penalties or forfeitures herein provided for may be recovered in an action brought in the county of Suffolk in the name of the commonwealth, or they may be recovered by an information in equity in the name of the attorney-general at the relation of the tax commissioner brought in the supreme judicial court for the county of Suffolk.

SECTION 2. This act shall take effect upon its passage.

*Approved June 19, 1909.*

**Chap. 529** AN ACT TO PROVIDE FOR A WATER SUPPLY FOR FIRE DISTRICT NUMBER TWO IN THE TOWN OF SOUTH HADLEY.

*Be it enacted, etc., as follows:*

Fire District  
Number Two  
in the Town  
of South  
Hadley may  
acquire and  
hold certain  
sources of  
water supply.

SECTION 1. Fire District Number Two in the Town of South Hadley, for the purposes designated in chapter two hundred and thirty-nine of the acts of the year nineteen hundred and nine, may take, or acquire by purchase or otherwise, and hold the waters of any pond or stream or of any ground source of supply by means of driven, artesian or other wells within the limits of the said fire district, and the water rights connected with any such water sources and may also take, or acquire by purchase or otherwise, and hold all lands, rights of way and easements necessary for collecting, storing, holding, purifying, and preserving the purity of the water, and for conveying the same to any part of said district: *provided, however*, that no source of water supply and no lands necessary for preserving the quality of such water shall be acquired or used without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board. Said district may construct on the lands acquired and held under the provisions of this act proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances and do such other things as may be necessary for the establishment and main-

Proviso.

tenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways, in said town, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, said district may dig up or raise and embank any such lands, highways, or other ways in such manner as to cause the least hindrance to public travel on such ways; and all things done upon any such way shall be subject to the direction of the selectmen of the town of South Hadley.

SECTION 2. Said fire district shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements under the provisions of this act, file and cause to be recorded in the registry of deeds for the county and district within which such lands or other property are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for. The title to all land acquired in any way under the provisions of this act shall vest in said Fire District Number Two in the Town of South Hadley, and the land so acquired may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of said district.

Description of  
lands acquired  
to be recorded,  
etc.

SECTION 3. Said district shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by anything done by said district under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with said district as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within the period of two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of said two years, and no ap-

Damages.

plication for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said district under authority of this act. Said district may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages caused by such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, and in such event said district shall be further liable only for the additional damages caused by such additional taking.

South Hadley  
Fire District  
Number Two,  
Water Loan.

SECTION 4. Said district, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding sixty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, South Hadley Fire District Number Two, Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum; and shall be signed by the treasurer of the district and countersigned by the chairman of the water commissioners hereinafter provided for. Said district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold for less than the par value thereof. The town of South Hadley may, at its annual town meeting or at a special meeting duly called for the purpose, guarantee the payment of such bonds, notes or scrip.

Proviso.

Payment of  
loan.

SECTION 5. Said district shall at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said district, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote



be raised annually by taxation in the manner hereinafter provided.

SECTION 6. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of the town of South Hadley, who shall proceed within thirty days thereafter to assess the same in the same manner in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect overdue interest on taxes in the same manner in which interest is authorized to be collected on town taxes; *provided*, that the district at the time of voting to raise the tax shall so determine and shall also fix a time for payment thereof.

When a tax is voted by the district a copy of the vote shall be sent to the assessors of the town, etc.

Proviso.

SECTION 7. The Fire District Number Two in the Town of South Hadley shall elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as the district may impose by its vote. Said commissioners shall appoint a treasurer of the district who may be one of their number, who shall give bonds to the district to such an amount and with such sureties as may be approved by the commissioners. A majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said fire district at any legal meeting called for the purpose. No money shall be drawn from the treasury of said district on account of the water works except by a written order of said commissioners or a majority of them.

Water commissioners, election, term, etc.

Treasurer.

Vacancies.

SECTION 8. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall

Prices and rates for the use of water, etc.

prescribe the time and manner of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds, notes or scrip issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it shall be used for such new construction as the water commissioners may determine upon and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners, except from the net surplus aforesaid, unless the district appropriates and provides money therefor. The said commissioners shall annually, and as often as the district may require, render a report upon the condition of the works under their charge and an account of their doings, including an account of all receipts and expenditures.

Annual report.

Penalty for  
corrupting or  
polluting  
water, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, standpipe, aqueduct, pipe or other property owned or used by said district for the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment in jail for a term not exceeding six months.

When to take  
effect.

SECTION 10. This act shall take effect upon its acceptance by a majority vote of the voters of said district present and voting thereon at a district meeting called for the purpose within three years after the passage of this act; but it shall become void unless the said district shall begin to distribute water to consumers within three years after the date of the acceptance of this act as aforesaid.

*Approved June 19, 1909.*

AN ACT TO PROVIDE FOR DREDGING THE FLATS IN BOSTON HARBOR NEAR JEFFRIES POINT. *Chap.530*

*Be it enacted, etc., as follows:*

SECTION 1. The board of harbor and land commissioners is hereby directed to dredge the flats in Boston harbor, near Jeffries Point, from the channel northeasterly to the said Jeffries Point and to the state land at the continuation of Maverick street, making a channel not less than sixty feet in width and not less than twelve feet in depth at mean low water: *provided, however*, that before any money shall be expended by said board for this purpose there shall be executed and delivered, in a form to be approved by the attorney-general, a bond to the commonwealth with sureties satisfactory to the treasurer and receiver general, conditioned upon the building within a reasonable time after the dredging is completed of a double marine railway substantially in accordance with the plans and specifications deposited in the office of said board and marked "Marine Railway at Jeffries Point, April, 1905."

Dredging certain flats in Boston harbor.

Proviso.

SECTION 2. For the above purpose the board may expend a sum not exceeding ten thousand dollars.

Amount to be expended.

SECTION 3. This act shall take effect upon its passage.

*Approved June 19, 1909.*

AN ACT RELATIVE TO THE SEALING OF GLASS BOTTLES AND JARS. *Chap.531*

*Be it enacted, etc., as follows:*

SECTION 1. Section forty-three of chapter sixty-two of the Revised Laws is hereby amended by inserting after the word "twenty-one", in the eleventh line, and after the word "measures", in the seventeenth line, the words: — or by the manufacturer, — by inserting after the word "consumers", in the thirteenth line, the words: — which have not been sealed by the manufacturer, — and by adding at the end thereof the words: — Such bottles or jars as are sealed by the manufacturer shall be marked with the name, initials, or trade-mark of the manufacturer, and by any other mark which the commissioner of weights and measures may require. The sealing of such bottles

R. L. 62, § 43, amended.

Sealing of  
glass bottles  
or jars used  
in the distri-  
bution of milk,  
etc.

or jars by the manufacturer shall not be held to affect the provisions of law relating to the giving of false measure, or the using of a false measure, or the having in possession of a false measure with intent to use, — so as to read as follows: — *Section 43.* Glass bottles or jars which are used for the distribution of milk or cream to consumers, and which hold, when filled to a level with the bottom of the cap or stopple, not less than seven ounces and six drams and not over eight ounces and two drams; not less than fifteen ounces and five drams and not over sixteen ounces and four drams; not less than thirty-one ounces and four drams and not over thirty-two ounces and four drams; not less than forty-seven ounces and three drams and not over forty-eight ounces and five drams; not less than sixty-three ounces and two drams and not over sixty-four ounces and six drams, shall be sealed as measures under the provisions of section twenty-one or by the manufacturer. All dealers in milk or cream who use glass bottles or jars for the distribution of milk or cream to consumers, which have not been sealed by the manufacturer, shall bring in such bottles or jars to the office of the sealer of weights and measures in their respective cities and towns, to be sealed as aforesaid; but no fee shall be charged or received for sealing them. If a bottle or jar has once been sealed by the sealer of weights and measures or by the manufacturer, it shall not in any case be necessary to have it sealed again at any time while it is used for the distribution of milk or cream to consumers. Glass bottles or jars sealed under the provisions of this section shall not be legal measures except for the distribution of milk or cream to consumers. Such bottles or jars as are sealed by the manufacturer shall be marked with the name, initials, or trade-mark of the manufacturer, and by any other mark which the commissioner of weights and measures may require. The sealing of such bottles or jars by the manufacturer shall not be held to affect the provisions of law relating to the giving of false measure, or the using of a false measure, or the having in possession of a false measure with intent to use.

SECTION 2. This act shall take effect upon its passage.

*Approved June 19, 1909.*

AN ACT TO AUTHORIZE THE TOWN OF CLINTON TO ISSUE *Chap.532*  
BONDS FOR SCHOOL PURPOSES.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Clinton, for the purpose of procuring land for school buildings, building school houses and additions to school buildings, and furnishing the same, is hereby authorized to issue from time to time bonds to an amount not exceeding seventy-five thousand dollars in addition to the amounts heretofore authorized by law for the same purposes. The said bonds shall bear on their face the words, Clinton School Loan, Act of 1909, shall be payable in periods not exceeding twenty years from their respective dates of issue, and shall not be reckoned in determining the statutory debt limit of the town. Except as herein otherwise provided, the provisions of chapter twenty-seven, excepting section twelve thereof, of the Revised Laws and all amendments thereof shall apply to the bonds hereby authorized.

Clinton School  
Loan, Act of  
1909.

SECTION 2. This act shall take effect upon its passage.  
*Approved June 19, 1909.*

AN ACT TO APPORTION AND ASSESS A STATE TAX OF FOUR *Chap.533*  
MILLION FIVE HUNDRED THOUSAND DOLLARS.

*Be it enacted, etc., as follows:*

SECTION 1. Each city and town in this commonwealth shall be assessed and pay the sum with which it stands charged in the following schedule, that is to say: —

State tax  
apportioned  
and assessed.

Abington, thirty-eight hundred and twenty-five dollars,	\$3,825 00
Acton, twenty-six hundred and ten dollars,	2,610 00
Acushnet, nine hundred and forty-five dollars,	945 00
Adams, eighty-six hundred and forty dollars,	8,640 00
Agawam, twenty-two hundred and ninety-five dollars,	2,295 00
Alford, two hundred and twenty-five dollars,	225 00
Amesbury, seventy-two hundred and ninety dollars,	7,290 00
Amherst, forty-nine hundred and ninety-five dollars,	4,995 00
Andover, nine thousand dollars,	9,000 00
Arlington, thirteen thousand six hundred and thirty-five dollars,	13,635 00
Ashburnham, thirteen hundred and five dollars,	1,305 00
Ashby, nine hundred and ninety dollars,	990 00



State tax  
apportioned  
and assessed.

Ashfield, eight hundred and ten dollars, . . .	\$810 00
Ashland, fourteen hundred and forty dollars, . . .	1,440 00
Athol, fifty-nine hundred and forty dollars, . . .	5,940 00
Attleborough, fifteen thousand and seventy-five dol- lars, . . .	15,075 00
Auburn, thirteen hundred and ninety-five dollars, . . .	1,395 00
Avon, thirteen hundred and five dollars, . . .	1,305 00
Ayer, twenty-six hundred and ten dollars, . . .	2,610 00
Barnstable, sixty-nine hundred and thirty dollars, . . .	6,930 00
Barre, twenty-two hundred and ninety-five dollars, . . .	2,295 00
Becket, six hundred and seventy-five dollars, . . .	675 00
Bedford, sixteen hundred and sixty-five dollars, . . .	1,665 00
Belchertown, twelve hundred and fifteen dollars, . . .	1,215 00
Bellingham, eleven hundred and twenty-five dollars, . . .	1,125 00
Belmont, seventy-six hundred and ninety-five dollars, . . .	7,695 00
Berkley, five hundred and eighty-five dollars, . . .	585 00
Berlin, seven hundred and twenty dollars, . . .	720 00
Bernardston, five hundred and eighty-five dollars, . . .	585 00
Beverly, thirty-two thousand four hundred dollars, . . .	32,400 00
Billerica, thirty-one hundred and ninety-five dollars, . . .	3,195 00
Blackstone, thirty-one hundred and ninety-five dol- lars, . . .	3,195 00
Blandford, five hundred and eighty-five dollars, . . .	585 00
Bolton, six hundred and seventy-five dollars, . . .	675 00
Boston, one million, six hundred eighteen thousand, six hundred and fifty dollars, . . .	1,618,650 00
Bourne, thirty-eight hundred and seventy dollars, . . .	3,870 00
Boxborough, three hundred and fifteen dollars, . . .	315 00
Boxford, seventeen hundred and ten dollars, . . .	1,710 00
Boylston, five hundred and eighty-five dollars, . . .	585 00
Braintree, sixty-nine hundred and seventy-five dollars, . . .	6,975 00
Brewster, eight hundred and ten dollars, . . .	810 00
Bridgewater, forty-four hundred and fifty-five dollars, . . .	4,455 00
Brimfield, five hundred and forty dollars, . . .	540 00
Brockton, forty-six thousand and thirty-five dollars, . . .	46,035 00
Brookfield, seventeen hundred and ten dollars, . . .	1,710 00
Brookline, one hundred twenty-six thousand seven hundred and sixty-five dollars, . . .	126,765 00
Buckland, nine hundred and ninety dollars, . . .	990 00
Burlington, eight hundred and ten dollars, . . .	810 00
Cambridge, one hundred thirty-eight thousand and sixty dollars, . . .	138,060 00
Canton, fifty-five hundred and eighty dollars, . . .	5,580 00
Carlisle, five hundred and eighty-five dollars, . . .	585 00
Carver, fifteen hundred and seventy-five dollars, . . .	1,575 00
Charlemont, five hundred and eighty-five dollars, . . .	585 00
Charlton, sixteen hundred and sixty-five dollars, . . .	1,665 00
Chatham, fourteen hundred and forty dollars, . . .	1,440 00
Chelmsford, forty-two hundred and thirty dollars, . . .	4,230 00
Chelsea, thirty-four thousand seven hundred and eighty-five dollars, . . .	34,785 00
Cheshire, ten hundred and thirty-five dollars, . . .	1,035 00
Chester, nine hundred dollars, . . .	900 00

Chesterfield, four hundred and five dollars, . . .	\$405 00	State tax apportioned and assessed
Chicopee, fourteen thousand four hundred and ninety dollars, . . .	14,490 00	
Chilmark, three hundred and sixty dollars, . . .	360 00	
Clarksburg, four hundred and five dollars, . . .	405 00	
Clinton, ten thousand five hundred and seventy-five dollars, . . .	10,575 00	
Cohasset, eighty-seven hundred and seventy-five dol- lars, . . .	8,775 00	
Colrain, nine hundred and ninety dollars, . . .	990 00	
Concord, eight thousand and fifty-five dollars, . . .	8,055 00	
Conway, nine hundred and forty-five dollars, . . .	945 00	
Cummington, four hundred and fifty dollars, . . .	450 00	
Dalton, forty-seven hundred and seventy dollars, . . .	4,770 00	
Dana, four hundred and ninety-five dollars, . . .	495 00	
Danvers, seventy-eight hundred and seventy-five dol- lars, . . .	7,875 00	
Dartmouth, five thousand and eighty-five dollars, . . .	5,085 00	
Dedham, fifteen thousand two hundred and ten dol- lars, . . .	15,210 00	
Deerfield, two thousand and seventy dollars, . . .	2,070 00	
Dennis, eighteen hundred dollars, . . .	1,800 00	
Dighton, thirteen hundred and five dollars, . . .	1,305 00	
Douglas, sixteen hundred and sixty-five dollars, . . .	1,665 00	
Dover, fifteen hundred and seventy-five dollars, . . .	1,575 00	
Dracut, twenty-eight hundred and thirty-five dollars, . . .	2,835 00	
Dudley, twenty-one hundred and fifteen dollars, . . .	2,115 00	
Dunstable, four hundred and five dollars, . . .	405 00	
Duxbury, twenty-six hundred and fifty-five dollars, . . .	2,655 00	
East Bridgewater, twenty-five hundred and sixty-five dollars, . . .	2,565 00	
East Longmeadow, nine hundred dollars, . . .	900 00	
Eastham, four hundred and fifty dollars, . . .	450 00	
Easthampton, fifty-four hundred dollars, . . .	5,400 00	
Easton, seventy-one hundred and ten dollars, . . .	7,110 00	
Edgartown, twelve hundred and fifteen dollars, . . .	1,215 00	
Egremont, six hundred and thirty dollars, . . .	630 00	
Enfield, ten hundred and eighty dollars, . . .	1,080 00	
Erving, eleven hundred and twenty-five dollars, . . .	1,125 00	
Essex, fifteen hundred and thirty dollars, . . .	1,530 00	
Everett, thirty thousand four hundred and twenty dollars, . . .	30,420 00	
Fairhaven, thirty-nine hundred and sixty dollars, . . .	3,960 00	
Fall River, one hundred nine thousand six hundred and sixty-five dollars, . . .	109,665 00	
Falmouth, ten thousand six hundred and sixty-five dollars, . . .	10,665 00	
Fitchburg, thirty-six thousand dollars, . . .	36,000 00	
Florida, two hundred and twenty-five dollars, . . .	225 00	
Foxborough, twenty-seven hundred and ninety dollars, . . .	2,790 00	
Framingham, thirteen thousand nine hundred and five dollars, . . .	13,905 00	
Franklin, forty-six hundred and eighty dollars, . . .	4,680 00	

State tax  
apportioned  
and assessed.

Freetown, twelve hundred and fifteen dollars, . . .	\$1,215 00
Gardner, ninety-five hundred and forty dollars, . . .	9,540 00
Gay Head, forty-five dollars, . . .	45 00
Georgetown, thirteen hundred and fifty dollars, . . .	1,350 00
Gill, five hundred and eighty-five dollars, . . .	585 00
Gloucester, twenty-eight thousand six hundred and sixty-five dollars, . . .	28,665 00
Goshen, two hundred and twenty-five dollars, . . .	225 00
Gosnold, four hundred and five dollars, . . .	405 00
Grafton, thirty-four hundred and twenty dollars, . . .	3,420 00
Granby, six hundred and thirty dollars, . . .	630 00
Granville, five hundred and eighty-five dollars, . . .	585 00
Great Barrington, seventy-three hundred and eighty dollars, . . .	7,380 00
Greenfield, ninety-eight hundred and ten dollars, . . .	9,810 00
Greenwich, three hundred and sixty dollars, . . .	360 00
Groton, forty-one hundred and eighty-five dollars, . . .	4,185 00
Groveland, fifteen hundred and seventy-five dollars, . . .	1,575 00
Hadley, sixteen hundred and twenty dollars, . . .	1,620 00
Halifax, four hundred and ninety-five dollars, . . .	495 00
Hamilton, forty-seven hundred and twenty-five dol- lars, . . .	4,725 00
Hampden, four hundred and ninety-five dollars, . . .	495 00
Hancock, four hundred and five dollars, . . .	405 00
Hanover, nineteen hundred and eighty dollars, . . .	1,980 00
Hanson, seventeen hundred and ten dollars, . . .	1,710 00
Hardwick, twenty-three hundred and eighty-five dol- lars, . . .	2,385 00
Harvard, fifteen hundred and seventy-five dollars, . . .	1,575 00
Harwich, seventeen hundred and ten dollars, . . .	1,710 00
Hatfield, nineteen hundred and eighty dollars, . . .	1,980 00
Haverhill, thirty-seven thousand seven hundred and ten dollars, . . .	37,710 00
Hawley, two hundred and twenty-five dollars, . . .	225 00
Heath, two hundred and twenty-five dollars, . . .	225 00
Hingham, sixty-five hundred and twenty-five dollars, . . .	6,525 00
Hinsdale, eight hundred and fifty-five dollars, . . .	855 00
Holbrook, nineteen hundred and eighty dollars, . . .	1,980 00
Holden, twenty-one hundred and sixty dollars, . . .	2,160 00
Holland, one hundred and thirty-five dollars, . . .	135 00
Holliston, twenty-one hundred and sixty dollars, . . .	2,160 00
Holyoke, fifty-seven thousand one hundred and fifty dollars, . . .	57,150 00
Hopedale, seventy-five hundred and sixty dollars, . . .	7,560 00
Hopkinton, twenty-two hundred and ninety-five dol- lars, . . .	2,295 00
Hubbardston, nine hundred and forty-five dollars, . . .	945 00
Hudson, forty-nine hundred and five dollars, . . .	4,905 00
Hull, fifty-four hundred and ninety dollars, . . .	5,490 00
Huntington, eight hundred and fifty-five dollars, . . .	855 00
Hyde Park, sixteen thousand nine hundred and twenty dollars, . . .	16,920 00
Ipswich, fifty-six hundred and seventy dollars, . . .	5,670 00

Kingston, twenty-two hundred and fifty dollars, .	\$2,250 00	State tax apportioned and assessed.
Lakeville, nine hundred dollars, .	900 00	
Lancaster, forty-six hundred and eighty dollars, .	4,680 00	
Lanesborough, six hundred and seventy-five dollars, .	675 00	
Lawrence, sixty-seven thousand seven hundred and twenty-five dollars, .	67,725 00	
Lee, twenty-nine hundred and twenty-five dollars, .	2,925 00	
Leicester, thirty-one hundred and five dollars, .	3,105 00	
Lenox, sixty-one hundred and twenty dollars, .	6,120 00	
Leominster, thirteen thousand six hundred and eighty dollars, .	13,680 00	
Leverett, four hundred and fifty dollars, .	450 00	
Lexington, eighty-seven hundred and seventy-five dol- lars, .	8,775 00	
Leyden, two hundred and seventy dollars, .	270 00	
Lincoln, thirty-eight hundred and seventy dollars, .	3,870 00	
Littleton, thirteen hundred and five dollars, .	1,305 00	
Longmeadow, fourteen hundred and forty dollars, .	1,440 00	
Lowell, ninety-eight thousand six hundred and eighty- five dollars, .	98,685 00	
Ludlow, thirty-eight hundred and seventy dollars, .	3,870 00	
Lunenburg, thirteen hundred and fifty dollars, .	1,350 00	
Lynn, eighty-four thousand nine hundred and sixty dollars, .	84,960 00	
Lynnfield, nine hundred and forty-five dollars, .	945 00	
Malden, forty-six thousand six hundred and twenty dollars, .	46,620 00	
Manchester, seventeen thousand two hundred and eighty dollars, .	17,280 00	
Mansfield, thirty-six hundred and forty-five dollars, .	3,645 00	
Marblehead, ten thousand and thirty-five dollars, .	10,035 00	
Marion, twenty-two hundred and five dollars, .	2,205 00	
Marlborough, thirteen thousand five hundred and forty- five dollars, .	13,545 00	
Marshfield, twenty-two hundred and ninety-five dol- lars, .	2,295 00	
Mashpee, two hundred and seventy dollars, .	270 00	
Mattapoisett, twenty-one hundred and sixty dollars, .	2,160 00	
Maynard, five thousand and eighty-five dollars, .	5,085 00	
Medfield, twenty-two hundred and fifty dollars, .	2,250 00	
Medford, twenty-eight thousand four hundred and eighty-five dollars, .	28,485 00	
Medway, eighteen hundred and forty-five dollars, .	1,845 00	
Melrose, twenty thousand two hundred and fifty dol- lars, .	20,250 00	
Mendon, eight hundred and fifty-five dollars, .	855 00	
Merrimac, sixteen hundred and sixty-five dollars, .	1,665 00	
Methuen, seventy-two hundred dollars, .	7,200 00	
Middleborough, sixty-one hundred and twenty dollars, .	6,120 00	
Middlefield, two hundred and seventy dollars, .	270 00	
Middleton, nine hundred and ninety dollars, .	990 00	
Milford, ninety-two hundred and seventy dollars, .	9,270 00	
Millbury, thirty-two hundred and forty dollars, .	3,240 00	

State tax  
apportioned  
and assessed.

Millis, nine hundred and ninety dollars, . . . . .	\$990 00
Milton, thirty-one thousand nine hundred and five dollars, . . . . .	31,905 00
Monroe, two hundred and twenty-five dollars, . . . . .	225 00
Monson, twenty-six hundred and fifty-five dollars, . . . . .	2,655 00
Montague, fifty-five hundred and eighty dollars, . . . . .	5,580 00
Monterey, four hundred and five dollars, . . . . .	405 00
Montgomery, one hundred and eighty dollars, . . . . .	180 00
Mount Washington, ninety dollars, . . . . .	90 00
Nahant, nine thousand and forty-five dollars, . . . . .	9,045 00
Nantucket, forty-one hundred and forty dollars, . . . . .	4,140 00
Natick, ninety-two hundred and twenty-five dollars, . . . . .	9,225 00
Needham, six thousand and seventy-five dollars, . . . . .	6,075 00
New Ashford, ninety dollars, . . . . .	90 00
New Bedford, eighty-eight thousand four hundred and twenty-five dollars, . . . . .	88,425 00
New Braintree, five hundred and forty dollars, . . . . .	540 00
New Marlborough, eight hundred and ten dollars, . . . . .	810 00
New Salem, four hundred and fifty dollars, . . . . .	450 00
Newbury, seventeen hundred and ten dollars, . . . . .	1,710 00
Newburyport, fifteen thousand three hundred and ninety dollars, . . . . .	15,390 00
Newton, ninety-one thousand seven hundred and fifty-five dollars, . . . . .	91,755 00
Norfolk, nine hundred and forty-five dollars, . . . . .	945 00
North Adams, twenty thousand nine hundred and seventy dollars, . . . . .	20,970 00
North Andover, sixty-four hundred and eighty dollars, . . . . .	6,480 00
North Attleborough, sixty-seven hundred and fifty dollars, . . . . .	6,750 00
North Brookfield, twenty-two hundred and five dollars, . . . . .	2,205 00
North Reading, eight hundred and fifty-five dollars, . . . . .	855 00
Northampton, seventeen thousand two hundred and thirty-five dollars, . . . . .	17,235 00
Northborough, eighteen hundred and forty-five dollars, . . . . .	1,845 00
Northbridge, sixty-seven hundred and five dollars, . . . . .	6,705 00
Northfield, sixteen hundred and twenty dollars, . . . . .	1,620 00
Norton, fourteen hundred and forty dollars, . . . . .	1,440 00
Norwell, thirteen hundred and ninety-five dollars, . . . . .	1,395 00
Norwood, seventy-seven hundred and eighty-five dollars, . . . . .	7,785 00
Oak Bluffs, twenty-one hundred and fifteen dollars, . . . . .	2,115 00
Oakham, four hundred and ninety-five dollars, . . . . .	495 00
Orange, five thousand and forty dollars, . . . . .	5,040 00
Orleans, nine hundred dollars, . . . . .	900 00
Otis, three hundred and fifteen dollars, . . . . .	315 00
Oxford, twenty-three hundred and eighty-five dollars, . . . . .	2,385 00
Palmer, five thousand and forty dollars, . . . . .	5,040 00
Paxton, four hundred and fifty dollars, . . . . .	450 00
Peabody, twelve thousand five hundred and fifty-five dollars, . . . . .	12,555 00
Pelham, two hundred and seventy dollars, . . . . .	270 00



Pembroke, twelve hundred and fifteen dollars, . . .	\$1,215 00	State tax apportioned and assessed.
Pepperell, three thousand and sixty dollars, . . .	3,060 00	
Peru, one hundred and eighty dollars, . . .	180 00	
Petersham, nine hundred and forty-five dollars, . . .	945 00	
Phillipston, three hundred and sixty dollars, . . .	360 00	
Pittsfield, twenty-five thousand six hundred and five dollars, . . .	25,605 00	
Plainfield, two hundred and seventy dollars, . . .	270 00	
Plainville, nine hundred and forty-five dollars, . . .	945 00	
Plymouth, thirteen thousand and ninety-five dollars, . . .	13,095 00	
Plympton, four hundred and fifty dollars, . . .	450 00	
Prescott, two hundred and seventy dollars, . . .	270 00	
Princeton, thirteen hundred and ninety-five dollars, . . .	1,395 00	
Provincetown, twenty-seven hundred and forty-five dollars, . . .	2,745 00	
Quincy, thirty-five thousand two hundred and thirty- five dollars, . . .	35,235 00	
Randolph, thirty-one hundred and fifty dollars, . . .	3,150 00	
Raynham, ten hundred and eighty dollars, . . .	1,080 00	
Reading, sixty-four hundred and eighty dollars, . . .	6,480 00	
Rehoboth, ten hundred and eighty dollars, . . .	1,080 00	
Revere, sixteen thousand five hundred and sixty dol- lars, . . .	16,560 00	
Richmond, four hundred and fifty dollars, . . .	450 00	
Rochester, eight hundred and ten dollars, . . .	810 00	
Rockland, forty-nine hundred and ninety-five dollars, . . .	4,995 00	
Rockport, four thousand and fifty dollars, . . .	4,050 00	
Rowe, two hundred and seventy dollars, . . .	270 00	
Rowley, ten hundred and thirty-five dollars, . . .	1,035 00	
Royalston, seven hundred and sixty-five dollars, . . .	765 00	
Russell, eight hundred and ten dollars, . . .	810 00	
Rutland, nine hundred and forty-five dollars, . . .	945 00	
Salem, forty-two thousand seven hundred and five dollars, . . .	42,705 00	
Salisbury, eleven hundred and twenty-five dollars, . . .	1,125 00	
Sandisfield, four hundred and fifty dollars, . . .	450 00	
Sandwich, thirteen hundred and fifty dollars, . . .	1,350 00	
Saugus, sixty-one hundred and twenty dollars, . . .	6,120 00	
Savoy, two hundred and seventy dollars, . . .	270 00	
Scituate, forty-nine hundred and fifty dollars, . . .	4,950 00	
Seekonk, fourteen hundred and forty dollars, . . .	1,440 00	
Sharon, three thousand and fifteen dollars, . . .	3,015 00	
Sheffield, fourteen hundred and forty dollars, . . .	1,440 00	
Shelburne, thirteen hundred and ninety-five dollars, . . .	1,395 00	
Sherborn, sixteen hundred and sixty-five dollars, . . .	1,665 00	
Shirley, thirteen hundred and fifty dollars, . . .	1,350 00	
Shrewsbury, nineteen hundred and eighty dollars, . . .	1,980 00	
Shutesbury, two hundred and seventy dollars, . . .	270 00	
Somerset, sixteen hundred and sixty-five dollars, . . .	1,665 00	
Somerville, seventy-eight thousand nine hundred and thirty dollars, . . .	78,930 00	
South Hadley, thirty-eight hundred and twenty-five dollars, . . .	3,825 00	

State tax  
apportioned  
and assessed.

Southampton, six hundred and seventy-five dollars, .	\$675 00
Southborough, twenty-six hundred and ten dollars, .	2,610 00
Southbridge, seventy-six hundred and fifty dollars, .	7,650 00
Southwick, eight hundred and fifty-five dollars, .	855 00
Spencer, fifty-four hundred and ninety dollars, .	5,490 00
Springfield, one hundred sixteen thousand one hundred and ninety dollars, .	116,190 00
Sterling, thirteen hundred and five dollars, .	1,305 00
Stockbridge, forty-five hundred and ninety dollars, .	4,590 00
Stoneham, sixty-six hundred and fifteen dollars, .	6,615 00
Stoughton, forty-eight hundred and sixty dollars, .	4,860 00
Stow, eleven hundred and twenty-five dollars, .	1,125 00
Sturbridge, thirteen hundred and fifty dollars, .	1,350 00
Sudbury, sixteen hundred and twenty dollars, .	1,620 00
Sunderland, seven hundred and twenty dollars, .	720 00
Sutton, seventeen hundred and ten dollars, .	1,710 00
Swampscott, eleven thousand one hundred and sixty dollars, .	11,160 00
Swansea, eighteen hundred and ninety dollars, .	1,890 00
Taunton, thirty-one thousand three hundred and sixty-five dollars, .	31,365 00
Templeton, twenty-three hundred and forty dollars, .	2,340 00
Tewksbury, thirteen hundred and five dollars, .	1,305 00
Tisbury, eighteen hundred and ninety dollars, .	1,890 00
Tolland, two hundred and twenty-five dollars, .	225 00
Topsfield, thirteen hundred and ninety-five dollars, .	1,395 00
Townsend, sixteen hundred and sixty-five dollars, .	1,665 00
Truro, five hundred and forty dollars, .	540 00
Tyngsborough, seven hundred and twenty dollars, .	720 00
Tyringham, three hundred and sixty dollars, .	360 00
Upton, fourteen hundred and eighty-five dollars, .	1,485 00
Uxbridge, thirty-eight hundred and twenty-five dollars, .	3,825 00
Wakefield, eleven thousand two hundred and ninety-five dollars, .	11,295 00
Wales, four hundred and five dollars, .	405 00
Walpole, forty-nine hundred and ninety-five dollars, .	4,995 00
Waltham, thirty-one thousand nine hundred and fifty dollars, .	31,950 00
Ware, sixty-three hundred and forty-five dollars, .	6,345 00
Wareham, forty-eight hundred and fifteen dollars, .	4,815 00
Warren, twenty-seven hundred dollars, .	2,700 00
• Warwick, four hundred and fifty dollars, .	450 00
Washington, three hundred and sixty dollars, .	360 00
Watertown, sixteen thousand five hundred and sixty dollars, .	16,560 00
Wayland, twenty-seven hundred and forty-five dollars, .	2,745 00
Webster, ten thousand eight hundred and ninety dollars, .	10,890 00
Wellesley, sixteen thousand two hundred and forty-five dollars, .	16,245 00
Wellfleet, thirteen hundred and fifty dollars, .	1,350 00
Wendell, three hundred and fifteen dollars, .	315 00

Wenham, twenty-seven hundred and forty-five dollars,	\$2,745 00	State tax apportioned and assessed.
West Boylston, nine hundred and ninety dollars,	990 00	
West Bridgewater, fifteen hundred and thirty dollars,	1,530 00	
West Brookfield, eleven hundred and seventy dollars,	1,170 00	
West Newbury, fourteen hundred and forty dollars,	1,440 00	
West Springfield, seventy-nine hundred and twenty dollars,	7,920 00	
West Stockbridge, five hundred and eighty-five dollars,	585 00	
West Tisbury, five hundred and eighty-five dollars,	585 00	
Westborough, forty-two hundred and thirty dollars,	4,230 00	
Westfield, twelve thousand one hundred and fifty dollars,	12,150 00	
Westford, twenty-seven hundred and forty-five dollars,	2,745 00	
Westhampton, three hundred and fifteen dollars,	315 00	
Westminster, ten hundred and eighty dollars,	1,080 00	
Weston, eighty-six hundred and eighty-five dollars,	8,685 00	
Westport, twenty-three hundred and forty dollars,	2,340 00	
Westwood, twenty-seven hundred and forty-five dollars,	2,745 00	
Weymouth, ninety-five hundred and forty dollars,	9,540 00	
Whately, six hundred and thirty dollars,	630 00	
Whitman, fifty-eight hundred and fifty dollars,	5,850 00	
Wilbraham, thirteen hundred and ninety-five dollars,	1,395 00	
Williamsburg, thirteen hundred and five dollars,	1,305 00	
Williamstown, four thousand and five dollars,	4,005 00	
Wilmington, seventeen hundred and ten dollars,	1,710 00	
Winchendon, forty-five hundred and forty-five dollars,	4,545 00	
Winchester, fourteen thousand eight hundred and five dollars,	14,805 00	
Windsor, three hundred and sixty dollars,	360 00	
Winthrop, twelve thousand and sixty dollars,	12,060 00	
Woburn, fourteen thousand one hundred and thirty dollars,	14,130 00	
Worcester, one hundred sixty-eight thousand eight hundred and eighty-five dollars,	168,885 00	
Worthington, four hundred and five dollars,	405 00	
Wrentham, thirteen hundred and fifty dollars,	1,350 00	
Yarmouth, twenty-six hundred and ten dollars,	2,610 00	

SECTION 2. The treasurer of the commonwealth shall forthwith send his warrant, directed to the selectmen or assessors of each city and town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of section thirty-four of chapter twelve of the Revised Laws, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city and town.

Treasurer to  
issue warrant.  
♦ .

SECTION 3. The treasurer of the commonwealth in his warrant shall require the said selectmen or assessors to

Payment of  
assessments.

pay, or issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay to the treasurer of the commonwealth, on or before the fifteenth day of November in the year nineteen hundred and nine, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the treasurer of the commonwealth at some time before the first day of September in the year nineteen hundred and nine.

Notice to  
treasurers of  
delinquent  
cities and  
towns.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the commonwealth within the time specified, then the said treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the commonwealth, in addition to the tax, such further sum as would be equal to one per cent per month during such delinquency from and after the fifteenth day of November in the year nineteen hundred and nine; and if the same remains unpaid after the first day of December in the year nineteen hundred and nine, an information may be filed by the treasurer of the commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes under such penalties as said court or the justice thereof before whom the hearing is had shall order.

SECTION 5. This act shall take effect upon its passage.

*Approved June 19, 1909.*

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**Chap. 534** AN ACT RELATIVE TO MOTOR VEHICLES AND TO THE OPERATION THEREOF.

*Be it enacted, etc., as follows:*

DEFINITIONS.

Operation of  
motor vehicles;  
terms defined.

SECTION 1. Terms used in this chapter shall be construed as follows, unless a different meaning is clearly apparent from the language or context, or unless such con-

struction is inconsistent with the manifest intention of the legislature:— Terms defined.

“Automobile” shall include all motor vehicles except motor cycles.

“Chauffeur” shall mean any person who operates a motor vehicle other than his own and who directly or indirectly receives pay or any compensation whatsoever for any work or services in connection with motor vehicles, except only manufacturers, agents, proprietors of garages and dealers, who do not operate for hire. An employee of a manufacturer or a dealer whose principal occupation is that of a salesman may at the discretion of the commission be exempted from this definition and be designated as an operator.

“Commission” shall mean the Massachusetts highway commission.

“Dealer” shall include every person who is engaged in the business of buying, selling or exchanging motor vehicles, on commission or otherwise, and every person who lets for hire two or more motor vehicles.

“Garage” shall mean every place where five or more motor vehicles are stored or housed at any one time for pay, except only such places in which motor vehicles are kept by the owners thereof without payment for storage.

“Intersecting way” shall mean any way which joins another at an angle, whether or not it crosses the other.

“Motor cycle” shall apply only to motor vehicles having but two wheels in contact with the ground, and a saddle on which the driver sits astride.

“Motor vehicle” shall include automobiles, motor cycles and all other vehicles propelled by power other than muscular power, except railroad and railway cars and motor vehicles running only upon rails or tracks, ambulances, fire engines and apparatus, police patrol wagons and other vehicles used by the police department of any city or town or park board solely for the official business of such department or board, road rollers, and street sprinklers.

“Non-resident” shall apply to residents of states or countries who have no regular place of abode or business in this commonwealth for a period of more than three months in the calendar year.



Terms defined.

“Number plate” shall mean the sign or marker furnished by the commission on which is displayed the register number or mark of an automobile assigned to such automobile by the commission.

“Operator” shall mean any person who operates a motor vehicle, other than a chauffeur.

“Person”, wherever used in connection with the registration of a motor vehicle, shall include all corporations, associations, partnerships or other aggregations of individuals who own or control such vehicles as owners, or for the purpose of sale, or for renting, as agents, salesmen or otherwise.

“Police officer” or “officer” shall include any constable or other officer authorized to make arrest or serve process, provided he is in uniform or displays his badge of office.

“Register number” shall apply to the number or mark assigned by the commission to a motor vehicle, whether or not such number or mark includes a letter or letters; and said number or mark, except on motor cycles, shall always be in separate Arabic numerals at least four inches in height, with strokes not less than one half of an inch in width.

“Thickly settled or business part of a city or town” shall mean the territory of a city or town contiguous to any way which is built up with structures devoted to business, or the territory of a city or town contiguous to any way where the dwelling houses are situated at such distances as will average less than two hundred feet between them for a distance of a quarter of a mile or over.

“Way” shall mean any public highway, private way laid out under authority of statute, street, avenue, road, alley, park or parkway.

#### REGISTRATION OF MOTOR VEHICLES.

Registration of  
motor vehicles.

SECTION 2. Application for the registration of motor vehicles may be made by the owner thereof, by mail or otherwise, to the Massachusetts highway commission or any agent thereof designated for that purpose, upon blanks prepared under its authority. The application shall contain, in addition to such other particulars as may be required by the commission, a statement of the name, place

of residence and address of the applicant, with a brief description of the motor vehicle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power and the amount of such motor power stated in figures of horse power; and with such application shall be deposited the proper registration fee as provided in section twenty-nine. The commission or its duly authorized agent shall then register in a book or upon suitable index cards to be kept for the purpose the motor vehicle described in the application, giving to said vehicle a distinguishing number or other mark to be known as the register number for that vehicle, and shall thereupon issue to the applicant a certificate of registration. The certificate shall contain the name, place of residence and address of the applicant and the register number or mark, and shall be in such form and contain such further information as the commission may determine. An applicant for the registration of a motor vehicle who does not file his application therefor until after the thirtieth day of September in any year shall be entitled to a reduction in the fee for such registration as provided in section twenty-nine. Upon the transfer of ownership of any motor vehicle its registration shall expire, and the person in whose name such vehicle is registered shall forthwith return the certificate of registration to the commission with a written notice containing the date of such transfer of ownership and the name, place of residence and address of the new owner. A person who transfers the ownership of a registered motor vehicle owned by him to another, upon the filing of a new application and upon payment of the proper fee, may have registered in his name another motor vehicle for the remainder of the calendar year, provided the horse power of such motor vehicle is the same as that of the motor vehicle first registered by him, or if the vehicle sought to be registered is a motor cycle; but if the horse power of the automobile is greater than that of the automobile first registered by him, the applicant shall pay, in addition to the said fee, the difference between the fee paid by him for the said vehicle first registered and the fee for the registration of an automobile of the higher horse power, as provided in section twenty-nine. A person who before the first day of August in any year transfers the ownership of an automobile registered in his name

Registration of  
motor vehicles.

Transfer of  
ownership, etc.

and who applies for the registration of another motor vehicle of less horse power than that of the vehicle so transferred, shall be entitled, upon payment of the proper fees set forth in section twenty-nine, to a rebate equivalent to one half the difference between the respective fees for the higher and the lower horse powers, and a person under like conditions who does not apply for the registration of another automobile shall be entitled to a rebate of one half the fee paid for the registration of such vehicle: *provided, however*, that no such rebate shall be paid except upon a certificate filed with the auditor of the commonwealth, setting forth the facts, and signed by the commission, and that the rebate shall be paid out of the fees received for the registration of automobiles and motor vehicles. The commission, at its discretion, may assign to the motor vehicle of any person who surrenders his registration certificate as herein provided and who desires to register another motor vehicle the register number of the motor vehicle described in the surrendered certificate. The commission shall furnish at its office without charge to every person whose automobile is registered as aforesaid two number plates of suitable design, each number plate to have displayed upon it the register number assigned to such vehicle, but no such number plates shall be furnished by the commission for motor cycles. The commission shall furnish in like manner to every person whose motor cycle is registered as aforesaid a seal, circular in form, approximately two inches in diameter, bearing thereon the words "Registered Motor Cycle No. — Mass." together with the year of the issue thereof and with the register number of the motor cycle stamped or otherwise suitably inscribed thereon. Such number plates and seals so furnished shall be valid only for the calendar year for which they are issued. If the commission shall determine at any time that for any reason a motor vehicle is unsafe or improperly equipped or otherwise unfit to be operated it may refuse to register such vehicle, and the commission may for like reasons revoke any registration already recorded. The horse power of every automobile sought to be registered shall be determined by the commission, and such determination shall be final and conclusive. Every application filed under the provisions of this section shall be sworn to by the applicant before a justice of the peace

Proviso.

Number plates,  
etc.

Registration  
may be re-  
fused in cer-  
tain cases, etc.

or a notary public. The fee for such oath shall not exceed twenty-five cents. The registration of every motor vehicle shall expire at midnight upon the thirty-first day of December in each year.

MOTOR VEHICLES OWNED BY NON-RESIDENTS.

SECTION 3. A motor vehicle owned by a non-resident of this state, who has complied with the laws relative to motor vehicles and the operation thereof of the state in which he resides, may be operated on the ways of this state for a period not exceeding ten days without registration, except as otherwise provided in section ten. Every such vehicle so operated shall have displayed upon it the distinguishing number or mark of the state in which the owner thereof resides, and none other until the vehicle is registered in accordance with the provisions of this act. If the vehicle be an automobile said number or mark shall be displayed upon two number plates substantially as provided in section five. A motor vehicle so owned may be operated also in this state during the months of July, August and September in any one year if application for the registration thereof is made in accordance with the provisions of section two, and the proper fee provided for in section twenty-nine is paid and the said vehicle is duly registered by the commission or its authorized agent. The commission shall furnish at its office without charge to every person whose automobile is registered as aforesaid two number plates of suitable design, each number plate to have displayed upon it the register number assigned to such vehicle, but no such number plates shall be furnished by the commission for motor cycles. The commission shall furnish in like manner to every person whose motor cycle is registered as aforesaid a seal, circular in form, approximately two inches in diameter, bearing thereon the words "Registered Motor Cycle No. — Mass." together with the year of the issue thereof and with the register number of the motor cycle stamped or otherwise suitably inscribed thereon. Such number plates and seals shall be valid only during the period of time for which they are issued. Every application filed under the provisions of this section shall be sworn to by the applicant before a justice of the peace or a notary public. The fee for such oath shall not

Conditions under which motor vehicles owned by non-residents may be operated, etc.

Seal to be furnished in cases of registration of motor cycles, etc.

exceed twenty-five cents. Every such registration shall expire at midnight upon the thirtieth day of September in each year.

MOTOR VEHICLES OWNED OR CONTROLLED BY MANUFACTURERS AND DEALERS.

Distinguishing number or mark to be furnished to manufacturers and dealers, etc.

SECTION 4. Every manufacturer of or dealer in motor vehicles may make application, by mail or otherwise, upon a blank provided by the commission for a general distinguishing number or mark, instead of registering each motor vehicle owned or controlled by him, and with such application shall be deposited the proper registration fee, as provided in section twenty-nine; and the commission may grant the application, if satisfied of the facts stated in the application, and, issue to the applicant a certificate of registration containing the name, business address of the applicant and the general distinguishing number or mark assigned to him, and made in such form and containing such further information as the commission may determine; and all motor vehicles owned or controlled by such manufacturer or dealer shall be regarded as registered under such general distinguishing number or mark until sold or let for hire or loaned for a period of more than five successive days. The commission shall furnish at its office without charge to every manufacturer of or dealer in automobiles whose vehicles are registered in accordance with the provisions of this section five pairs of number plates of suitable design, the plates to have displayed upon them the register number which is assigned to the motor vehicles of such manufacturer or dealer, with a different letter or letters or mark on each pair of number plates, but no such number plates shall be furnished by the commission for motor cycles. The commission shall furnish at the price stated in section twenty-nine to every person whose vehicles are registered as aforesaid as many seals for motor cycles as such person shall apply for, said seals to be circular in form, approximately two inches in diameter, bearing thereon the words "Registered Motor Cycle No. — Mass." together with the year of the issue thereof and with the register number or mark of the manufacturer or dealer stamped or suitably inscribed thereon, and each seal so furnished shall also bear a different letter or letters.

Number plates, etc.



Such number plates and seals shall be valid only for the calendar year for which they are issued. Every application filed under the provisions of this section shall be sworn to by the applicant before a justice of the peace or a notary public. The fee for such oath shall not exceed twenty-five cents. Every such registration shall expire at midnight upon the thirty-first day of December in each year.

Application for registration to be sworn to, etc.

#### NUMBER PLATES, SAFEGUARDS AND OTHER EQUIPMENT.

SECTION 5. Every automobile operated in or on any way in this commonwealth shall have its register number displayed conspicuously thereon on the two number plates furnished by the commission, in accordance with the provisions of sections two, three and four, one number plate to be attached at the front and the other at the rear of said vehicle, so that the said number plates and the register number thereon shall be always plainly visible. The bottom of each number plate shall be horizontal, and not less than eight and not more than thirty-six inches from the ground. The said number plates shall be kept clean and the numbers legible, and during the period when the vehicle is required to display lights the rear register number shall be illuminated so as to be plainly visible at a distance of sixty feet. No number plates other than such as are procured from the commission or such as may be authorized by it for temporary use, except as provided in section three, shall be displayed on any automobile so operated; and if any number plate supplied by the commission is lost or mutilated or if the register number thereon becomes illegible, the owner or person in control of the automobile for which said number plate was furnished shall apply in writing to the commission for a new number plate, and deposit with his application the sum of seventy-five cents for each new number plate, and thereupon the commission shall issue to such applicant a permit allowing him to place a temporary number plate bearing his register number upon said automobile until a number plate of the regular design is made and delivered to said applicant: *provided, however*, that all such temporary number plates and the register numbers thereon shall conform to the regular number plates and be displayed as

Number plates, safeguards, etc.

Proviso.

nearly as may be as herein provided for said regular number plates.

Seal to be  
displayed.

SECTION 6. Every motor cycle operated in or on any way shall have displayed conspicuously the seal bearing the register number furnished in accordance with the provisions of sections two, three and four of this act for such vehicle. Said seal shall be fastened securely to some part of the vehicle or to some contrivance firmly attached thereto, in the rear of the saddle.

Brakes.

SECTION 7. Every motor vehicle of more than ten horse power operated in or on any way shall be provided with at least two brakes, powerful in action and separated from each other, of which one brake shall act directly on the driving wheels or on parts of the mechanism which are firmly connected with said wheels. Each of the two brakes shall suffice alone to stop the motor vehicle within a proper distance. One of the two brakes shall be so arranged as to be operated with the feet: *provided, however*, that on automobiles not exceeding ten horse power one brake shall be deemed to be sufficient. Every motor cycle shall be provided with at least one brake which may be operated by hand. Every motor vehicle so operated shall be provided with a muffler or other suitable contrivance to prevent unnecessary noise and with a suitable bell, horn or other means of signalling, and with suitable lamps; and shall be provided with a lock, a ratchet brake which can be set, a key or other contrivance to prevent such vehicle from being set in motion by unauthorized persons, or otherwise, contrary to the will of the owner or person in charge thereof. Every automobile operated during the period from one half an hour after sunset to one half an hour before sunrise shall display at least two white lights, and every motor cycle so operated at least one white light, which shall be visible not less than two hundred feet in the direction toward which the vehicle is proceeding; and every such motor vehicle shall display at least one red light in the reverse direction. Every automobile so operated shall have a rear light so placed as to show a red light from behind and a white light so arranged as to illuminate and not obscure the rear register number.

Proviso.

LICENSES TO OPERATE AND OPERATION OF MOTOR VEHICLES.

SECTION 8. Application to operate automobiles may be made, by mail or otherwise, to the commission or its duly authorized agent upon blanks prepared under its authority. The fees provided in section twenty-nine shall be deposited with the application. Before such a license is granted the applicant shall pass such examination as to his qualifications as the commission shall require, and no license shall be issued until the commission or its authorized agent is satisfied that the applicant is a proper person to receive it. No operator's license shall be issued to any person under sixteen years of age. To each person shall be assigned some distinguishing number or mark, and the licenses issued shall be in such form as the commission shall determine; they may contain special restrictions and limitations concerning the type of motor power, horse power, design and other features of the automobiles which the licensee may operate; they shall contain the distinguishing number or mark assigned to the licensee, his name, place of residence and address, and a brief description of the licensee for purposes of identification; and such other information as the commission shall deem necessary. A person to whom a license to operate automobiles has been issued, unless such license contains a special limitation or restriction, may operate any registered motor cycle. Special licenses shall be issued to chauffeurs, and the commission shall furnish to every chauffeur so licensed a suitable metal badge with the distinguishing number or mark assigned to him thereon without extra charge therefor; but no such license shall be issued to any person less than eighteen years of age. Said badge shall be valid only during the term of the license of the chauffeur to whom it is issued as aforesaid. Every person licensed to operate automobiles as aforesaid shall endorse his usual signature on the margin of the license, in the space provided for the purpose, immediately upon the receipt of said license, and such license shall not be valid until so endorsed. All licenses to operate motor vehicles, heretofore commonly called "private operators' licenses", and other than those of chauffeurs, shall expire at midnight upon the thirty-first day of December in the

Licenses, etc.

Badges to be furnished.

"Private operators' licenses."

year nineteen hundred and nine, and thereafter all licenses issued to operators and chauffeurs shall be valid for one year only from the date of issue. A person whose motor cycle has been registered in accordance with the provisions of sections two and three of this act may operate such motor cycle without a license from the commission, and the certificate of registration for said vehicle shall be evidence of the right of the owner thereof to operate it while said registration is in force. Every application filed under the provisions of this section shall be sworn to by the applicant before a justice of the peace or a notary public. The fee for such oath shall not exceed twenty-five cents.

#### OPERATION OF MOTOR VEHICLES.

Regulations concerning operation.

SECTION 9. No motor vehicle shall be operated after midnight on the thirty-first day of December in the year nineteen hundred and nine unless registered in accordance with the provisions of this act, nor unless such vehicle is equipped as provided in sections five, six and seven, except as is otherwise provided in section three.

Same subject.

SECTION 10. No person shall operate a motor vehicle upon any way in this commonwealth unless licensed under the provisions of this act, except as is otherwise herein provided; but the provisions of this section shall not prevent the operation of motor vehicles by unlicensed persons if riding with or accompanied by a licensed chauffeur or operator, excepting only persons who have been licensed and whose licenses are not in force because of revocation or suspension, and persons less than sixteen years of age; but such licensed chauffeur or operator shall be liable for the violation of any provision of this act or of any regulation made in accordance herewith committed by such unlicensed operator: *provided, however*, that the examiners of chauffeurs and operators, in the employ of the commission, when engaged in their official duty, shall not be liable for the acts of any person who is being examined. During the period of ten days within which a motor vehicle of a non-resident may be operated on the ways of this state in accordance with the provisions of section three, such vehicle may be operated by its owner or by his chauffeur or employee without a license from the commission, if the operator is duly licensed under the laws of

Proviso.

Motor vehicles owned by non-residents may be operated a certain period without a license, etc.

the state in which he resides, or has complied fully with the laws of the state of his residence respecting the licensing of operators of motor vehicles; but if any such non-resident or his chauffeur or employee be convicted by any court or trial justice of violating any provision of the laws of this commonwealth relating to motor vehicles or to the operation thereof, whether or not he appeals, he shall be thereafter subject to and required to comply with all the provisions of this act relating to the registration of motor vehicles owned by residents of this commonwealth and the licensing of the operators thereof. A record of the trial shall be sent forthwith by the court or trial justice to the commission. Except as hereinbefore provided, no person shall operate a motor vehicle for hire or as a chauffeur unless specially licensed by the commission so to do, and while so operating every chauffeur shall display conspicuously the badge furnished to him by the commission upon the front of his outermost coat or garment, so that the distinguishing number or mark assigned to him by the commission shall be plainly visible.

Special license for operating motor vehicles for hire.

SECTION 11. Every person operating an automobile shall have the certificate of registration for the vehicle and his license to operate upon his person or in the vehicle in some easily accessible place, except that the certificates of registration of dealers need not so be carried. Every person operating a motor cycle shall have the certificate of registration for such vehicle upon his person. If for any reason the commission or its agents are unable to issue promptly to an applicant the certificate of registration or the license applied for they may issue a receipt for the fee or fees paid, and said receipt shall be carried in lieu of the certificate or license as the case may be, and for the period of thirty days from the date of its issue said receipt shall have the same force and effect given to the certificate or license by the provisions of this act.

Certificate of registration to be carried upon the person, etc.

SECTION 12. No person shall employ for hire as a chauffeur or operator of a motor vehicle any person not specially licensed as aforesaid.

Chauffeurs, etc., to be specially licensed, etc.

SECTION 13. No chauffeur or operator, when operating a motor vehicle, shall have or permit to be on or in such vehicle or on or about his person anything which may interfere with or impede the proper operation of the vehicle or of any of the machinery or appliances by which

Nothing permitted on or about the person to impede operation, etc.



the vehicle is operated or controlled. No person having control or charge of a motor vehicle shall allow such vehicle to stand in any public street or way and remain unattended without first locking or making it fast or effectively setting the brakes thereon, and stopping the motor of said vehicle.

Regulations concerning stopping, etc., in certain cases.

SECTION 14. Every person operating a motor vehicle shall bring the vehicle and the motor propelling it immediately to a stop when approaching a horse or other draft animal being led, ridden or driven, if such animal appears to be frightened and if the person in charge thereof shall signal so to do; and, if travelling in the opposite direction to that in which such animal is proceeding, said vehicle shall remain stationary so long as may be reasonable to allow such horse or animal to pass; or, if travelling in the same direction, the person operating shall use reasonable caution in thereafter passing such horse or other animal. In approaching or passing a car of a street railway which has been stopped to allow passengers to alight or embark, the operator of every motor vehicle shall slow down and if it be necessary for the safety of the public he shall bring said vehicle to a full stop. Upon approaching a pedestrian who is upon the travelled part of any way and not upon a sidewalk, and upon approaching an intersecting way or a curve or corner in a way where the operator's view is obstructed, every person operating a motor vehicle shall slow down and give a timely signal with his bell, horn or other device for signalling. The driver of any motor vehicle on any highway approaching a crossing of ways, shall slow down and keep to the right of the intersection of the centres of both ways, when turning to the right, and shall pass to the right of the intersection of the centres of said ways before turning to the left.

Not to operate on ways from which motor vehicles are excluded.

SECTION 15. No person shall operate a motor vehicle nor shall any owner of such vehicle permit it to be operated in or over any way, public or private, whether laid out under authority of law or otherwise, from which motor vehicles are excluded, provided notice of such exclusion is conspicuously posted at the entrance to such way.

SPEED LIMITS.

SECTION 16. Every person operating a motor vehicle Speed limits. on any way in this commonwealth shall run it at a rate of speed at no time greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public. It shall be prima facie evidence of a rate of speed greater than is reasonable and proper as aforesaid if a motor vehicle is operated on any way outside of the thickly settled or business part of a city or town at a rate of speed exceeding twenty miles per hour for the distance of a quarter of a mile. It shall be prima facie evidence of a rate of speed greater than is reasonable and proper as aforesaid if a motor vehicle is operated on any way inside the thickly settled or business part of a city or town at a rate of speed exceeding fifteen miles per hour for the distance of one eighth of a mile, or if a motor vehicle is operated on any way upon approaching an intersecting way, or in traversing a crossing or intersection of ways, or in going around a corner or a curve in a street or way where the operator's or chauffeur's view of the road traffic is obstructed, at a rate of speed exceeding eight miles per hour.

SPECIAL SPEED REGULATIONS.

SECTION 17. The city council of a city or the board of aldermen of a city having no common council, and the selectmen of a town, and boards of park commissioners, as authorized by law, may make special regulations as to the speed of motor vehicles and as to the use of such vehicles upon particular ways, and may exclude such vehicles altogether from certain ways: *provided, however,* that Special speed regulations. no such special regulation shall be effective unless it shall have been published in one or more newspapers, if there be any, published in the city or town in which the way is situated, otherwise in one or more newspapers published in the county in which the city or town is situated; nor unless notice of the same is posted conspicuously by the city, town, or board of park commissioners making the regulation at points where any way affected thereby joins other ways; nor until after the Massachusetts highway commission shall have certified in writing, after a public Proviso.

Special speed  
regulations.

hearing, that such regulation is consistent with the public interest; and no regulation shall be valid which excludes motor vehicles from any state highway or from any main highway leading from any city or town to another. No ordinance, by-law or regulation now in force in any city or town or in any park or parkway which regulates the speed at which motor vehicles shall be run upon its ways or which excludes such vehicles therefrom or which governs or restricts the use of such vehicles shall hereafter have any force or effect, and all signs and other notices relating to the speed, operation and use of motor vehicles which have not been authorized under the provisions of this act shall be removed forthwith from all ways; *provided, however*, that no ordinance, by-law or regulation now in force upon the island of Nantucket relating to the use or operation of motor vehicles shall be affected by the provisions of this act, and *provided, further*, that nothing herein contained shall be construed as affecting the right of the metropolitan park commission, as now authorized by law, to make rules and regulations governing the use and operation of motor vehicles on lands, roadways and parkways under its care and control, nor as affecting any such rule or regulation already made by said metropolitan park commission, nor as affecting any sign or other notice already placed or posted by or under the direction of said metropolitan park commission.

Provisos.

#### PENALTIES AND PUNISHMENTS.

Penalties and  
punishments.

SECTION 18. Any person convicted of a violation of any provision of this act, or who is convicted of the violation of any rule or regulation of the Massachusetts highway commission made under authority of section twenty-seven, or who is convicted of a violation of a special speed regulation lawfully made under authority of section seventeen, may be punished by a fine of not less than ten dollars nor more than twenty-five dollars for the first offence and not less than twenty-five dollars nor more than fifty dollars for a second offence, and not less than fifty dollars nor more than one hundred dollars for subsequent offences committed during any period of twelve months. A complaint against a person for the violation of sections eleven, sixteen or seventeen of this act may

be placed on file at the discretion of the court or trial justice if the violation appears to have been unintentional or if no person or property could have been endangered thereby. Upon a third or subsequent conviction in the same calendar year of a violation of section sixteen or of section seventeen of this act the commission shall forthwith revoke the license of the person so convicted, and no new license shall be issued to such person for at least thirty days after the date of such conviction, nor thereafter except in the discretion of said commission.

SECTION 19. Any officer authorized to make arrests may arrest without warrant and keep in custody for not more than twenty-four hours, unless Sunday intervenes, any person operating a motor vehicle on any street or way who does not have in his possession a license to operate motor vehicles granted to him by the commission, and who violates any statute, by-law, ordinance or regulation relating to the operation or control of motor vehicles; and at or before the expiration of said period of time such person shall be brought before a proper magistrate and proceeded against according to law. The operator of any motor vehicle who is arrested as aforesaid and solely because he has violated a provision of section sixteen or of section seventeen of this act shall be admitted to bail for his appearance in court upon the deposit of one hundred dollars in cash, in lieu of a bail bond, with any person authorized to take bail.

Officers may arrest without a warrant in certain cases.

SECTION 20. The commission may suspend or revoke any certificate of registration or any license issued to any person under the provisions of this act, after due hearing, for any cause which it may deem sufficient, and the commission may suspend the license of any operator or chauffeur in its discretion and without a hearing, and may order the license to be delivered to it, whenever it has reason to believe that the holder thereof is an improper or incompetent person to operate motor vehicles, or is operating improperly or so as to endanger the public; and neither the certificate of registration nor the license shall be reissued unless, upon examination or investigation, or after a hearing, the commission determines that the operator or chauffeur should again be permitted to operate.

Certificates may be suspended or revoked, etc.

SECTION 21. Any person convicted of operating a motor vehicle in this commonwealth after his license to

Penalty for violation of certain regulations.

operate has been suspended or revoked, and any person convicted of operating or causing or permitting any other person to operate a motor vehicle after the certificate of registration for such vehicle has been suspended or revoked, and any person who attaches or permits to be attached to a motor vehicle a number plate or seal assigned by the commission to another vehicle, or who obscures or permits to be obscured the figures on any number plate or seal attached to any motor vehicle, or who fails to display on a motor vehicle the number plate or seal and the register number duly issued therefor, with intent to conceal the identity of such motor vehicle, or who wears a chauffeur's badge not furnished to him by the commission, or who with intent to conceal his identity wears a chauffeur's badge belonging to another person, shall be punished by a fine of not more than one hundred dollars or by imprisonment for a term of ten days, or by both such fine and imprisonment.

Motor vehicles not to be operated recklessly or by persons under the influence of intoxicating liquor, etc.

SECTION 22. Whoever upon any way operates an automobile or motor cycle recklessly or while under the influence of intoxicating liquor, or so that the lives or safety of the public might be endangered, or upon a bet, wager or race, or who operates a motor vehicle for the purpose of making a record and thereby violates any provision of sections sixteen and seventeen of this act, or who knowingly goes away without stopping and making himself known after causing injury to any person or property, or who uses a motor vehicle without authority, shall be punished by a fine of not more than two hundred dollars or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment; and if any person be convicted a second time of operating an automobile while under the influence of intoxicating liquor, he shall be punished by imprisonment for a term of not less than one year and not more than two years. A conviction of a violation of this section shall be reported forthwith by the court or trial justice to the commission, which shall revoke immediately the license of the person so convicted. If it appears by the records of the commission that the person so convicted is the owner of a motor vehicle, or has exclusive control of any motor vehicles as a manufacturer or dealer, the commission may revoke the certificate of registration of all motor vehicles so exclusively



owned or controlled. Whenever any person so convicted appeals, the commission shall suspend forthwith the license of the person so convicted, and shall order the license delivered to it, and shall not reissue said license unless such person is acquitted in the appellate court, or unless the commission in its discretion, after an investigation or upon a hearing, decides to reissue it. No new license or certificate shall be issued by the commission to any person convicted of a violation of this section until after sixty days from the date of such final conviction, nor thereafter except in the discretion of the commission.

SECTION 23. Any person who, while operating or in charge of a motor vehicle, shall refuse when requested by a police officer to give his name and address, or the name and address of the owner of such motor vehicle, or who shall give a false name or address, or who shall refuse or neglect to stop when signalled to stop by any police officer who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment, or who refuses on demand of such officer to produce his license to operate such vehicle or his certificate of registration, or to permit such officer to take the license or certificate in hand for the purpose of examination, or who refuses on demand of such officer to sign his name in the presence of such officer, and any person who on the demand of an officer of the police or other official mentioned in section twenty-six of this act, or authorized by the commission, without a reasonable excuse fails to deliver his license to operate motor vehicles or the certificate of registration of any motor vehicle operated or owned by him, or the number plates or seal furnished by the commission for said motor vehicle, or who refuses or neglects to produce his license when requested by a court or trial justice, shall be punished by a fine of not less than twenty-five not more than one hundred dollars.

Name and address of operator to be given on request, etc.

Penalty.

#### GENERAL PROVISIONS.

##### *Court Records.*

SECTION 24. A full record shall be kept by every court and trial justice in this commonwealth of every case in which a person is charged with a violation of any provi-

Court records.

sion of this act or of any other act relative to motor vehicles or to the operation of such vehicles, and an abstract of such record shall be sent forthwith by the court or trial justice to the commission. Said abstracts shall be made upon forms prepared by the commission, and shall include all necessary information as to the parties to the case, the nature of the offence, the date of the hearing, the plea, the judgment and the result; and every such abstract shall be certified by the clerk of the court or by the trial justice as a true abstract of the record of the court. The commission shall keep such records in its main office, and they shall be open to the inspection of any person during reasonable business hours. Courts and trial justices shall, upon their own initiative or upon the request of the commission or its agents, furnish to the commission the details of all particularly flagrant cases which may be heard before them; and they may make such recommendations to the commission as to the suspension or revocation of the licenses and certificates of registration of the persons defendant in such cases as they may deem necessary.

Members of the highway commission, etc., may summon witnesses, etc.

SECTION 25. In the administration of the laws and regulations relative to motor vehicles and to the operators and the operation thereof, any member of the Massachusetts highway commission, or its secretary, if so authorized by said commission, may summon witnesses in behalf of the commonwealth and may administer oaths and take testimony. The commission may also cause depositions to be taken, and may order the production of books, papers, agreements and documents. Any person who swears or affirms falsely in regard to any matter or thing respecting which an oath or affirmation is required by the commission or by this act shall be deemed guilty of perjury. The fees for the attendance and travel of witnesses shall be the same as for witnesses before the superior court, and shall be paid by the commonwealth upon the certificate of the commission filed with the auditor. The supreme judicial court or the superior court shall have jurisdiction in equity, upon the application of the commission, to enforce all lawful orders of the commission under this section. One of the employees of the commission shall be a justice of the peace, who shall administer any oath required by this act without charge therefor.

Fees of witnesses.

Supreme judicial court to have certain jurisdiction.

SECTION 26. The commission shall appoint from time to time competent persons to act as investigators and examiners; it may remove them for cause and appoint others in their places, and it may determine their compensation and terms of service and define their duties. Said inspectors and examiners, with respect to the enforcement of all provisions of law relative to motor vehicles and to the ownership and operation thereof, shall have and exercise throughout the commonwealth all the powers of constables, except the service of civil process, and of police officers and watchmen, including the power to arrest any person who violates any provision of this act, and they may serve all processes lawfully issued by the courts or by the commission. The commission may investigate the cause of any accident in which any motor vehicle is involved which in its judgment requires investigation. The selectmen of any town and the mayor and aldermen of any city of less than one hundred thousand inhabitants where there is no police commission or police commissioner, and the police commission or police commissioner, when such exist, of any such city, may from time to time appoint suitable persons as special constables who shall serve without cost to such city or town and who shall have all the powers of police officers and constables in relation to the enforcement of all laws and regulations concerning motor vehicles and the operation thereof. The chief officer of the police department of every city and town and the chairman of the selectmen of such towns as have no regular police department shall notify the commission forthwith of the particulars of every serious accident which happens within the limits of their respective city or town in which a motor vehicle is involved, and as a result of which a death occurs or appears likely to occur, and shall also, if possible, ascertain the name of the operator of such vehicle and notify the commission of the same. Every such officer, upon the request of the commission, shall demand forthwith the license of any operator and the certificate of registration and number plates or seal of any motor vehicle situated within the limits of the city or town where such officer resides when said license or certificate has been suspended or revoked by the commission, and shall forward the same to the com-

Investigators  
and examiners,  
appointment,  
powers, etc.

License of operators to be suspended in certain cases of accidents, etc.

Record of applications, etc.

Rules and regulations to be prepared, etc.

mission. Whenever the death of any person results from any such accident, the commission shall suspend forthwith the license of the operator of the automobile or the certificate of registration of the motor cycle involved in said accident and shall order the said license or certificate to be delivered to it; and the commission shall revoke the same unless, upon investigation or after a hearing, it determines that the accident occurred without serious fault upon the part of said operator or chauffeur. No operator or chauffeur whose license is revoked under the provisions of this section shall be licensed again within six months after the date of the suspension, nor thereafter except in the discretion of the commission. A proper record of all applications and of all certificates and licenses issued shall be kept by the commission at its main office, and such records shall be open to the inspection of any person during reasonable business hours. The commission may issue or cause to be issued a certified copy, attested by its secretary, of any certificate of registration or of any license to operate motor vehicles, which may have been lost or mutilated, upon the written request of the person entitled thereto; and such certified copies shall have the same force and effect as the originals.

SECTION 27. The commission may prepare rules and regulations from time to time governing the use and operation of motor vehicles and the conduct of operators and chauffeurs, and may from time to time alter, rescind or add to any rules and regulations previously made by it. The rules and regulations of the commission, and any changes therein, shall take effect when approved by the governor and council and published in at least one newspaper printed and published in each county of the commonwealth, and such publication shall be sufficient notice to all persons. The sworn certificate of any member of the commission or of its secretary that such rules and regulations have been published as herein provided shall be prima facie evidence thereof. A copy of such rules and regulations attested by any member of the commission or by its secretary shall be prima facie evidence that they have been made by the commission and approved by the governor and council as provided by law. This section shall not be construed as giving the Massachusetts highway commission power to regulate the speeds at which motor vehicles may be operated on the public ways.

*Garage Records.*

SECTION 28. Every manufacturer of and dealer in motor vehicles, and every owner, proprietor, person in control, or keeper of a garage, shall keep or cause to be kept in a book a proper record of every automobile which enters and which leaves his garage, stable, shop or place of business. Said book shall have columns and headings substantially as follows: —

DATE.	Register Number and Letter, if any.	Time of entering Garage.		Time of leaving Garage.		Operator's or Chauffeur's Name.
		A. M.	P. M.	A. M.	P. M.	

Form of record.

Every person operating or running a motor vehicle into or out of a garage, or into or out of a stable, shop or place of business of a manufacturer or dealer, shall enter or cause to be entered in said book, in the columns under the proper headings, the date and time of entering and leaving, the register number and letter, if any, of the motor vehicle, and the full name of the operator or chauffeur.

Regulations concerning keeping of garage records, etc.

In the case of motor vehicles operated or run into or out of a garage by others than chauffeurs, the record shall be kept by the owner, proprietor or person in control of the garage, or by some employee or employees specially designated for this duty, and the said owner, proprietor or person in control of such garage, shall be responsible for the proper keeping of said record. All entries in said book shall be made legibly, in ink or with an indelible pencil. The said book shall be kept in some convenient place, and shall be open at all times to the inspection of the commission and its agents and of any police officer or constable.



*Fees.*

Fees.

SECTION 29. The commission or its authorized agents shall collect fees as follows: —

For the registration of every motor cycle, including the right of the owner thereof to operate the vehicle, two dollars.

For the registration of every commercial motor vehicle, used solely as such, and every motor truck, regardless of the horse power thereof, five dollars.

For the registration of every automobile of less than twenty horse power, five dollars.

For the registration of every automobile of twenty horse power and above, but less than thirty horse power, ten dollars.

For the registration of every automobile of thirty horse power and above, but less than forty horse power, fifteen dollars.

For the registration of every automobile of forty horse power and above, but less than fifty horse power, twenty dollars.

For the registration of every automobile of fifty horse power and above, twenty-five dollars.

For the registration of the motor vehicles owned by or under the control of a manufacturer of or dealer in motor vehicles, if such person operates upon the public ways not more than five automobiles, twenty-five dollars and five dollars for every automobile in excess of five so operated.

For the registration of all of the motor cycles owned by or under the control of a manufacturer of or dealer in motor cycles who does not manufacture or deal in automobiles, including ten seals to be furnished with the certificate of registration, ten dollars.

For the registration of every motor vehicle owned by a non-resident who applies for registration under the provisions of section three of this act, and for the registration of every automobile, and of the motor vehicles owned by or under the control of a manufacturer of or dealer in motor vehicles, who applies therefor during the period beginning with the first day of October and ending on the thirty-first day of December, in any year, in accordance

with the provisions of section two or of section four of this act, one half of the foregoing fees.

For the substitution of the registration of an automobile for that of a vehicle previously registered in accordance with the provisions of section two of this act, two dollars.

For the substitution of the registration of a motor cycle for that of a motor cycle previously registered in accordance with the provisions of section two of this act, one dollar.

For every original operator's or chauffeur's license to operate automobiles, two dollars.

For every renewal of any operator's or chauffeur's license to operate automobiles, fifty cents.

For every examination given to an applicant for a license or for the renewal of a license to operate motor vehicles, two dollars.

For every additional copy of a certificate of registration or license, fifty cents.

For every additional number plate furnished to replace such plates as have been lost or mutilated, or which are illegible, and for every additional number plate furnished to a manufacturer of or dealer in motor vehicles whose business requires more than five pairs of such plates, seventy-five cents.

For every additional seal furnished to replace such seals as have been lost or mutilated, or which are illegible, and for every seal furnished to a manufacturer of or dealer in automobiles for use on motor cycles owned by or under the control of such person, fifty cents: *provided, however,* that the commission or its authorized agents may furnish without charge copies of certificates of registration and licenses to operate, and copies of other documents relating thereto, to officers of the commonwealth or of any court thereof or of a city or town therein; and the commission may issue certificates of registration for motor vehicles and licenses to operate the same to any member of the foreign diplomatic corps without the payment of the fees therefor.

Proviso.

#### *Disposition of Fees.*

SECTION 30. The fees and fines received under the provisions of this act, together with all other fees received by the commission or any other person under the laws of

Disposition of fees.

Disposition  
of fees.

the commonwealth relating to the use and operation of motor vehicles, shall be paid monthly by the secretary of the commission or by the person collecting the same into the treasury of the commonwealth, and shall be used by the commission for such expenses as may be authorized by the general court to carry out the provisions of law regulating the use of motor vehicles; and the balance shall be expended, under the direction of the commission, for the maintenance of state highways without specific appropriation by the general court, in addition to all sums already or hereafter appropriated by the general court for the same purpose. No bills or schedules for work or materials contracted for under the provisions of this section shall be paid unless such bills and schedules are approved by the commission, nor until after audit and certification by the auditor of the commonwealth as required by law for expenditures under specific appropriations. The provisions of section sixteen of chapter forty-seven of the Revised Laws shall not apply to any expenditure made under authority of this section out of the said fees and fines, and the counties shall not be required to repay to the commonwealth any part of such expenditures.

*Repeal.*

Repeal.

SECTION 31. All rules and regulations heretofore made by the commission concerning the use and operation of motor vehicles are hereby repealed. Chapter four hundred and seventy-three of the acts of the year nineteen hundred and three; chapters three hundred and eleven and three hundred and sixty-six of the acts of the year nineteen hundred and five; chapters three hundred and fifty-three and four hundred and twelve of the acts of the year nineteen hundred and six; chapters two hundred and three, four hundred and eight, four hundred and ninety-four and five hundred and eighty of the acts of the year nineteen hundred and seven; chapters six hundred and forty-two and six hundred and forty-eight of the acts of the year nineteen hundred and eight, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

Effect of  
repeal.

SECTION 32. The provisions of this act, so far as they are the same as those of existing statutes, shall be con-

strued as a continuation thereof, and not as new enactments; and a reference in a statute which has not been repealed to provisions of law which have been revised and re-enacted herein shall be construed as applying to such provisions as so incorporated in this act. The repeal of a law by this act shall not affect any act done, ratified or confirmed, or any right accrued or established, or any action, suit or proceeding begun under any of the laws repealed before the repeal took effect; but the proceedings in such case shall, when necessary, conform to the provisions of this act.

SECTION 33. Sections seven, fourteen, sixteen and seventeen of this act shall take effect on the first day of July in the year nineteen hundred and nine; the provisions of this act which relate to the preparation of forms, to the filing of applications for certificates of registration and for licenses, and to the distribution of number plates and seals shall take effect on the first day of December in the year nineteen hundred and nine; and, except as otherwise provided in this section, this act shall take effect at midnight on the thirty-first day of December in the year nineteen hundred and nine.

Time of taking effect.

*Approved June 19, 1909.*

AN ACT RELATIVE TO THE ASSESSING OF DAMAGES FROM  
THE TAKING OF PRIVATE PROPERTY IN CONNECTION  
WITH THE BOSTON INSANE HOSPITAL.

*Chap. 535*

*Be it enacted, etc., as follows:*

SECTION 1. The state board of insanity may, with the approval of the governor and council, in the name and behalf of the commonwealth, from time to time take or acquire by purchase or otherwise, such lands, buildings and rights in land in addition to those already acquired, as in its opinion may be necessary to accomplish the purposes of chapter six hundred and thirteen of the acts of the year nineteen hundred and eight. In the event of the taking of any lands, buildings or rights in land by said board the board shall file in the proper registry of deeds a description of the lands, buildings or rights in land so taken, sufficiently accurate for their identification, with a statement signed by said board or by a majority thereof that the same are taken under the provisions of

Lands and buildings may be acquired to provide for the care of the insane in Boston, etc.

Description of lands and buildings to be recorded.

this act in the name and behalf of the commonwealth; and the said act and time of filing shall be deemed to be the act and time of the taking of such lands, buildings or rights in land, and shall be sufficient notice to all persons that the same have so been taken. The title to the lands, buildings and rights in land so taken shall vest absolutely in the commonwealth and its assigns forever.

Title to vest  
in the com-  
monwealth.

Damages.

The commonwealth shall pay all damages sustained by any person by reason of any taking under authority of this act, and said board may, with the approval of the governor and council, agree with any such person upon the damages to be paid for such taking. If said damages cannot so be agreed upon by them, such person may within two years after said taking file in the clerk's office of the superior court for the county of Suffolk a petition for the determination of such damages, and thereupon said court shall appoint a commission consisting of three disinterested persons and shall refer such petition to said commission, and said commission shall determine such damages and report thereon to said court. Said board shall, upon agreeing upon any damages or upon the acceptance by said court of any determination made by a commission as aforesaid, notify the person sustaining damages by reason of such taking that it will pay the amount so agreed upon or determined, and if such person shall, in accordance with such notice and within one year after being so notified, deliver a release of such damages to, and satisfactory to, said board, said board shall certify to the treasurer of the commonwealth the amount to be paid such person, and said treasurer shall pay the same. Said board or any person whose property is taken under the right of eminent domain, if dissatisfied with any determination of damages made by any commission, may, within one year from the time when such determination is filed in court, claim a trial by jury to determine such damages, and thereupon the damages shall be determined by a jury in said court in the same manner as is provided by law with respect to damages by reason of the laying out of ways. The commissioners shall receive such compensation as may be determined by the court. If, upon hearing by the commissioners or upon trial, damages are increased beyond the amount which the commonwealth offered to pay therefor prior to the appointment of the

Compensation  
of com-  
missioners.



commission, the person sustaining damage by reason of the taking shall recover costs; otherwise such person shall pay costs, and costs shall be taxed as in civil cases.

SECTION 2. This act shall take effect upon its passage.

*Approved June 19, 1909.*

AN ACT RELATIVE TO THE SUPERVISION OF THE BUSINESS OF PLUMBING. *Chap. 536*

*Be it enacted, etc., as follows:*

SECTION 1. Within thirty days after the passage of this act, the state board of health shall appoint three examiners of plumbers. The first shall be a practical plumber of at least five years' continuous practical experience. The second shall be a sanitary expert, and the third shall have such qualifications as may be required by the state board of health. The three persons so appointed shall be known as the state examiners of plumbers, and their terms of office shall be as follows: the first examiner shall be appointed for a term of three years; the second examiner for a term of two years; the third examiner for a term of one year; and all subsequent appointments, except the filling of vacancies shall be for terms of three years each. Appointments to fill vacancies shall be for the unexpired terms. The first examiner shall act as clerk. The compensation of the first examiner shall be two thousand dollars per annum or such other sum as may be fixed by the state board of health, subject to the approval of the governor and council. The compensation of each of the other examiners shall not exceed five dollars a day for every day of actual service, nor more than three hundred and fifty dollars in any one year. The compensation of the state examiners of plumbers, together with the travelling and other necessary expenses of the clerk shall, when approved by the chairman of the state board of health and by the governor and council, be paid from the treasury of the commonwealth.

Examiners  
of plumbers,  
appointment,  
etc.

Compensation,  
etc.

SECTION 2. The state examiners of plumbers may make such rules as they deem necessary for the proper performance of their duties, which rules shall take effect when approved by the state board of health. They shall examine, in the manner prescribed by section four of

Rules for the  
government of  
examiners of  
plumbers, etc.

Application  
for examina-  
tion of  
plumbers, etc.

chapter one hundred and three of the Revised Laws, all persons desiring to engage in the business of plumbing as master plumbers, or to work at the business of plumbing as journeymen plumbers. They shall hold frequent examinations in the city of Boston. They shall also, twice in each year, hold examinations at five other convenient points within the commonwealth. Public notice shall be given of all examinations. Application for examination shall be made in the handwriting of the applicant, and he shall be notified by the state examiners of plumbers as to the time and place of examination. The state examiners of plumbers may, without the payment of any fee therefor, issue a probationary license, good for a term of six months, to one who, having worked either as an apprentice, or under a verbal agreement for instruction, for not less than three years, presents an application therefor, bearing a written indorsement signed by his employer in which the employer agrees to be responsible for all work done under the license and to have the apprentice present himself for examination as a journeyman plumber at the expiration of the term for which the license was issued.

List of names,  
etc., of all li-  
censed  
plumbers to  
be furnished  
to the exam-  
iners, etc.

SECTION 3. It shall be the duty of the board of health of every city and town, or of the inspector of buildings of every city and town in which the inspector of buildings has control of the enforcement of the regulations relative to plumbing, to furnish the state examiners of plumbers within three months from the passage of this act with a correct list of the names and addresses of all registered or licensed plumbers within such city or town. All persons already holding legal certificates of registration may, within six months from the passage of this act, register anew with the state examiners of plumbers. A license heretofore issued to a person after an examination shall continue in effect for the term for which it was issued, but may be exchanged, without payment of an additional fee, for a license issued by the state examiners of plumbers. Persons who have worked as journeymen plumbers, and who are registered as master plumbers under the provisions of chapter four hundred and fifty-five of the acts of the year eighteen hundred and ninety-four, shall be granted certificates of registration as journeymen plumbers; and persons who have passed the examination for, and who

hold master plumber's licenses, shall without further examination be granted journeymen plumber's licenses by the state examiners of plumbers. The fees for registration, and for the license of a master plumber, shall be two dollars each. The fees for examination, and for renewals shall be fifty cents each. The fees for the registration and for the license of a journeyman plumber shall be fifty cents each. Fees received by the said examiners shall be paid monthly by their clerk into the treasury of the commonwealth. The report of the state examiners of plumbers shall be a part of the annual report of the state board of health.

Fees for registration.

Report of state examiners.

SECTION 4. Certificates and licenses issued by the state examiners of plumbers shall be valid and have effect throughout the commonwealth. The said examiners shall from time to time forward to the board of health of each city and town, or to the inspector of buildings of each city and town in which the inspector of buildings has control of the enforcement of the regulations relative to plumbing, a list of the names and addresses of all persons within such city or town who have been granted plumbers' licenses or certificates. Licenses shall be issued for the term of one year, and shall be renewable on or before the first day of May in each year upon the payment of the required fee. Each holder of a master plumber's certificate or of a license shall register his name and business address with the board of health of the city or town where the holder thereof desires to engage in the business of plumbing as a master plumber; except that in a city or town where the inspector of buildings has control of the enforcement of the regulations relative to plumbing, such holder shall register his name and address with the inspector of buildings. The said examiners may, after notice and a hearing, revoke the license of any person who, after having been convicted of a like offence, has violated any regulation relative to plumbing. If the holder of a certificate of registration or a license has, in the opinion of a board of health of a city or town or of the inspector of buildings of a city or town in which such inspector has control of the enforcement of the regulations relative to plumbing, violated any statute, ordinance, by-law, rule or regulation relative to plumbing, the board of health or the inspector of buildings, if said inspector has

Certificates and licenses to have effect throughout the commonwealth.

Holder of certificate to register with the boards of health of cities and towns, etc.

Licenses may be revoked.

Violations of statute, by-law, etc.

control of the enforcement of regulations relative to plumbing, of the city or town where such violation is deemed to have been committed, may request the state examiners of plumbers to forbid such holder to engage in the business of plumbing as a master plumber, or to work at the business of plumbing as a journeyman plumber within such city or town, for a term not exceeding thirty days. After notice and after hearing both parties, the state examiners of plumbers shall serve notice of their decision on each of the parties interested. No person shall do any work in plumbing which is subject to inspection, unless he has been registered or licensed as a journeyman plumber in accordance with the provisions of this act, and his certificate or license shall be exhibited whenever required by the inspector of plumbing. Every master plumber's certificate or license shall at all times be displayed conspicuously within his place of business.

Certificate to be displayed.

Rules regarding plumbing work to be formulated, etc.

SECTION 5. Upon petition of the board of health of any town which has not accepted the provisions of chapter one hundred and three of the Revised Laws, the said examiners shall formulate rules relative to the construction, alteration, repair and inspection of all plumbing work within such town, which rules, when approved by the state board of health and accepted by the board of health of such town and published once a week for three consecutive weeks in some newspaper published in said town, if any, otherwise in a newspaper published in the county in which said town is situated, shall thereafter have the force and effect of law. Rules formulated as provided in this section may from time to time be revised upon a similar petition of the board of health of such town. The board of health of such town shall, within thirty days after rules formulated as provided herein have taken effect, appoint an inspector of plumbing having such qualifications and duties as are specified or referred to in sections five and six of chapter one hundred and three of the Revised Laws. Such inspector shall hold office for the term of three years, unless sooner removed for cause, and after a hearing. He shall receive such compensation as may be determined by the board appointing him, subject to the approval of the selectmen, which compensation

Rules may be revised.

shall be paid from the treasury of the town. Appeal from a decision of any inspector appointed under authority of this section may be made to the state examiners of plumbers within ten days from the date of notice of such decision. The appellant shall deposit with the state examiners of plumbers the sum of five dollars, and if the appeal is sustained, the deposit shall be refunded to him. If the appeal is not sustained, the deposit shall be forfeited and shall be paid by the clerk of the state examiners of plumbers into the treasury of the commonwealth. The decision of said examiners shall be subject to the approval of the chairman of the state board of health, and a copy of the decision shall be served on each of the persons interested. All decisions of said examiners shall be subject to review by the superior court.

Appeal may be made to the state examiners.

SECTION 6. Two or more towns may unite and form an inspection district, the expense attending the same to be paid on such basis as may be agreed upon by the boards of health of the towns forming such district.

Inspection districts.

SECTION 7. Inspectors of plumbing now holding office and in receipt of an annual salary shall be deemed to have been appointed under the rules of the civil service commission relative to classification, and such inspectors may perform such other inspection service as may be required by the board of health or by the inspector of buildings having control of the enforcement of regulations relative to plumbing. All inspectors hereafter appointed to like positions shall be certified from the classified lists of the civil service commission.

Inspectors of plumbing now in office, etc.

SECTION 8. Cities and towns that have continued to operate under the provisions of chapter four hundred and seventy-seven of the acts of the year eighteen hundred and ninety-three or of acts in amendment thereof, shall be deemed to have accepted the provisions of chapter one hundred and three of the Revised Laws.

Certain cities and towns to be deemed to have accepted certain provisions of law, etc.

SECTION 9. The words "master or employing plumber", as used in chapter one hundred and three of the Revised Laws, shall be deemed to mean a plumber having a regular place of business and who himself, or by journeymen plumbers in his employ, performs plumbing work. The word "corporation", as used in said chapter one hundred and three, shall be deemed to mean a

Certain words defined.



corporation formed for the purpose of engaging in the business of plumbing.

Penalty.

SECTION 10. Every person engaging in the business of plumbing as a master plumber, or working at the business of plumbing as a journeyman plumber, not having been registered or licensed as herein provided; and every person engaging in or working at the business of plumbing in a city or town where he has been forbidden so to do under the provisions of section four of this act; and every person violating any provision of this act or any rule or regulation made thereunder shall be punished by a fine not exceeding fifty dollars for each offence.

Certain boards abolished.

SECTION 11. Upon the appointment of the state examiners of plumbers, the authority of the boards of examiners of plumbers appointed under the provisions of chapter one hundred and three of the Revised Laws shall cease, and said boards shall thereupon be abolished.

Repeal, etc.

SECTION 12. All acts and parts of acts inconsistent herewith are hereby repealed. The provisions of this act in so far as they are the same as the provisions of chapter one hundred and three of the Revised Laws shall be construed as a continuation of said chapter and not as new enactments.

*Approved June 19, 1909.*

**Chap. 537** AN ACT RELATIVE TO THE PAYMENT OF PENSIONS TO TEACHERS IN THE PUBLIC DAY SCHOOLS OF THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

Payment of pensions to teachers in the public day schools of Boston.

SECTION 1. Those persons who were annuitants of The Boston Teachers' Retirement Fund Association at the time when chapter five hundred and eighty-nine of the acts of the year nineteen hundred and eight took effect, and all other teachers who had retired previous to said time and who had taught in the public day schools for a period aggregating thirty years, twenty of which had been in the public day schools of the city of Boston, shall be paid annual pensions at the rates and from the fund established by said act, forty of such persons and teachers to receive such pensions during the first year after this act shall take effect and forty more of such persons and teachers to receive such pensions during each succeeding

year thereafter, according to their aggregate length of teaching service in the public day schools, those whose aggregate length of such service had been the longest first to receive such pensions, until all the persons eligible for pensions under this act have received them: *provided*, that all such persons and teachers who wish to receive such pensions shall so notify, in writing, the school committee of said city within three months after this act shall take effect; and *provided, further*, that all persons receiving pensions under this act shall hold themselves subject to the call of said school committee to teach in case of need or emergency at the rates of pay current for substitutes at the time when they are so called.

Provisos.

SECTION 2. Said school committee shall prepare, or cause to be prepared, a list of the persons eligible for pensions under this act, and the city treasurer of said city shall pay such pensions to such persons in accordance with monthly pay rolls prepared and certified to by the school committee.

List of persons eligible for pensions to be prepared, etc.

SECTION 3. This act shall take effect at any time during the existence of the fund hereinbefore mentioned when accepted by the school committee of the city of Boston, but no adverse action by the school committee shall prevent any later acceptance of this act.

When to take effect.

*(The foregoing was laid before the Governor on the fourteenth day of June, 1909, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)*

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AN ACT RELATIVE TO THE RECEIVING OF ALMS IN PUBLIC PLACES IN THE CITY OF BOSTON.

Chap. 538

*Be it enacted, etc., as follows:*

SECTION 1. No person shall receive contributions of money, food, clothing, or other articles or things in or upon any part of the streets, parks, public grounds or other public places within the limits of the city of Boston, except upon such terms and conditions and within such times and places as may be prescribed by a license granted therefor by the overseers of the poor and approved in so far as it relates to times and places by the police commissioner of said city; and a person so receiving without a

Receiving of alms in public places in Boston prohibited, etc.

license who is unknown to a police officer in whose presence the offence has been committed may be arrested by such officer without a warrant.

Penalty.

SECTION 2. Any violation of this act shall be punished in accordance with the provisions of section forty-six of chapter two hundred and twelve of the Revised Laws, or by a fine not exceeding twenty dollars.

*Approved June 19, 1909.*

**Chap. 539** AN ACT TO ESTABLISH A LOW-WATER MARK IN LAKE QUANNAPOWITT IN THE TOWN OF WAKEFIELD, AND TO PROVIDE FOR THE DRAINAGE OF THE ADJACENT MEADOWS.

*Be it enacted, etc., as follows:*

Low-water mark in Lake Quannapowitt established.

SECTION 1. Low-water mark in Lake Quannapowitt is hereby established at grade eighty-six and three tenths, Boston city base, the present level of low-water mark in the lake, being the bottom of the notch in the stone placed in its outlet by order of the town of Wakefield about the year eighteen hundred and seventy-six, for the purpose of fixing low-water mark in said lake.

Mark to be fixed within one year after acceptance of the act.

SECTION 2. The board of harbor and land commissioners shall, within one year after the acceptance of this act by the town of Reading, fix the elevation of low water in the said Lake Quannapowitt, as herein established, with reference to some suitable permanent base and shall record the same in the registry of deeds for the southern district of the county of Middlesex, and copies of the document so recorded shall be filed with the town clerk of Wakefield, the town clerk of Reading and with the board of harbor and land commissioners.

Flowage rights to be acquired, etc.

SECTION 3. Said board, acting on behalf of the commonwealth, shall, subject to the approval of the governor and council, take or acquire by purchase or otherwise all the flowage rights at the dam on the Saugus river near Vernon street, about three quarters of a mile below the outlet of the lake, and after such taking or purchase shall remove said dam or such part of it as it may be necessary to remove in order to prevent further obstruction to the flow of the Saugus river at this point. Said board shall also reconstruct the culvert beneath Lowell street at the outlet of the lake, and provide a new culvert with its bottom as low as grade eighty-three, and of such depth

and width as the board shall deem necessary and desirable for the proper removal of the water of the lake at all times and for preventing the flooding of the lands about it. The board shall also provide a permanent weir of such length as it may deem necessary, but not exceeding one hundred feet, at the outlet of said lake and at the level of low-water mark, as fixed in section one of this act.

SECTION 4. The commonwealth shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water right or easement or by any other thing done under the authority of this act. Said board shall estimate and determine as near as may be all damages sustained by any person or corporation by the exercise of the powers of eminent domain conferred by the provisions of this act, but any one aggrieved by such determination of the board may have his damages assessed by a jury of the superior court, in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways. If upon trial damages are increased beyond the award of the board the aggrieved party shall recover costs, otherwise such party shall pay costs, and costs shall be taxed as in civil cases; but no suit for such damages shall be brought after the expiration of two years from the date of the recording of the taking as required by the following section.

Damages.

SECTION 5. Said board, in order to take any property by right of eminent domain, shall sign and cause to be recorded in the registry of deeds for the southern district of the county of Middlesex a statement containing a description thereof as certain as is required in a common conveyance of land, and stating the purpose for which the same is taken; and upon such recording title to the said property shall pass to the town of Reading.

Taking to be recorded.

SECTION 6. All expenses incurred by said board under the provisions of this act shall be reported to the governor and council and all such expenses, if approved by them, shall be paid out of the treasury of the commonwealth, but the total expenditure shall not exceed four thousand dollars. The commonwealth shall be reimbursed by the town of Reading for such expenditure under this act as shall be approved by the governor and council, and the treasurer and receiver general shall notify said town of the amount of said expenditure, which shall be paid by

Expenses to be paid out of the treasury of the commonwealth, etc.

it into the treasury of the commonwealth as a part of, and at the time required for the payment of, its state tax.

Report to the  
general court.

SECTION 7. Said board, upon the completion of the work required by this act, shall report thereon to the general court, and shall include in its report a statement of the amounts expended.

When to take  
effect.

SECTION 8. This act shall take effect upon its acceptance by the town of Reading at a town meeting called for the purpose.  
*Approved June 19, 1909.*

### Chap.540

#### AN ACT RELATIVE TO INDUSTRIAL SCHOOLS.

*Be it enacted, etc., as follows:*

1906, 505, § 5,  
amended.

Chapter five hundred and five of the acts of the year nineteen hundred and six is hereby amended by striking out section five and inserting in place thereof the following:—*Section 5.* Upon certification by the board of education to the auditor of the commonwealth that a city, town or district, either by moneys raised by local taxation or by moneys donated or contributed, has maintained an independent industrial school, the commonwealth, in order to aid in the maintenance of such schools, shall pay annually from the treasury to such cities, towns or districts a sum equal to one half the sum raised by local taxation for this purpose: *provided*, that no payment to any city or town shall be made except by special appropriation by the legislature.  
*Approved June 19, 1909.*

Payment of  
expense of  
maintaining  
industrial  
schools.

Proviso.

### Chap.541 AN ACT RELATIVE TO THE TESTING AND SEALING OF TAXI- METERS.

*Be it enacted, etc., as follows:*

Testing and  
sealing of  
taximeters.

SECTION 1. The provisions of chapter sixty-two of the Revised Laws relative to the testing and sealing of weights, measures and balances shall apply to all taximeters and other forms of measuring devices which are used upon vehicles for determining the cost of transportation: *provided*, that the testing and sealing of such devices shall be performed by the commissioner of weights and measures of the commonwealth and not by the sealers of weights and measures in cities and towns. All such devices shall be tested as to the correctness of measures and values indicated by them, and the commissioner of

Proviso.



weights and measures is empowered to make such rules and regulations as he may deem necessary to insure accuracy in the use of the said devices.

SECTION 2. The commissioner of weights and measures shall seal the said devices when tested and found to be correct, and shall mark, condemn or seize the same if incorrect, in accordance with the provisions of said chapter sixty-two applicable to weights, measures and balances, and all penalties imposed by said chapter for violation of the provisions thereof relative to weights, measures and balances shall also be applicable to the said devices.

Devices to be sealed, etc.

SECTION 3. The commissioner of weights and measures shall collect a fee of one dollar for each device sealed under the provisions of this act, and such fees shall be paid by him monthly into the treasury of the commonwealth.

Fee for sealing.

*Approved June 19, 1909.*

AN ACT RELATIVE TO THE FILING AND RECEIVING TIME OF TELEGRAMS. *Chap.542*

*Be it enacted, etc., as follows:*

Section one of chapter four hundred and two of the acts of the year nineteen hundred and nine is hereby amended by adding at the end thereof the words:— and no charge shall be made for or on account of the additional matter required by the provisions of this section. Nothing in this act shall be construed to lessen in any way the supervision, authority and powers heretofore conferred on the Massachusetts highway commission over all companies engaged in the transmission of intelligence by electricity.

1909, 402, § 1, amended.

*Approved June 19, 1909.*

AN ACT IN ADDITION TO SEVERAL ACTS MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW. *Chap.543*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, except as herein otherwise provided, for the purposes specified, to wit:—

Appropriations.

Commissioners for promoting uniformity of legislation, etc.

For expenses of the board of commissioners for the promotion of uniformity of legislation in the United States, as provided for by chapter four hundred and sixteen of the acts of the present year, a sum not exceeding twenty-five hundred dollars.

West End Street Railway Company and the Boston Elevated Railway company.

For expenses of an investigation and report by the board of railroad commissioners and the Boston transit commission, sitting jointly, as to certain matters relative to the West End Street Railway Company and the Boston Elevated Railway Company, as authorized by chapter eighty-five of the resolves of the present year, a sum not exceeding one hundred and fifty dollars.

Additional subways, etc., in the city of Boston.

For the expenses of an investigation as to the advisability of constructing additional subways, tunnels and elevated structures in the city of Boston, as authorized by chapter ninety-four of the resolves of the present year, a sum not exceeding two hundred and fifty dollars.

Boston and Eastern Electric Railroad Company.

For the expenses of an investigation as to the advisability of authorizing the Boston and Eastern Electric Railroad Company to construct a tunnel and subways in the city of Boston, as authorized by chapter one hundred and ten of the resolves of the present year, a sum not exceeding fifty dollars.

State farm.

To provide for certain improvements at the state farm, as authorized by chapter one hundred and fourteen of the resolves of the present year, a sum not exceeding sixty-five hundred dollars.

Delay in the administration of justice, etc.

For the expenses of a commission to investigate the causes of delay in the administration of justice in civil actions, as authorized by chapter one hundred and fifteen of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Worcester insane asylum.

To provide for certain improvements at the Worcester insane asylum, as authorized by chapter one hundred and sixteen of the resolves of the present year, a sum not exceeding thirty-five hundred dollars.

Foxborough state hospital.

To provide for certain improvements at the Foxborough state hospital, as authorized by chapter one hundred and seventeen of the resolves of the present year, a sum not exceeding five thousand dollars.

Printing, etc., boiler rules.

For printing and publishing a new edition of the boiler rules, as provided for by chapter three hundred and ninety-

three of the acts of the present year, a sum not exceeding five hundred dollars.

For salaries and expenses in the division of minor wards, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Division of  
minor wards.

For the support of pauper infants, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Support of  
pauper infants.

For travelling, office and contingent expenses of the state board of insanity, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

State board  
of insanity.

For salaries and wages of officers and employees, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Officers and  
employees.

For clerical services in the office of the commissioners on fisheries and game, a sum not exceeding three hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Commission-  
ers on fisheries  
and game.

For the salaries of the commissioner of education, of the deputy commissioners, agents, and for clerical and messenger service, a sum not exceeding seventeen thousand dollars. For the travelling expenses of the executive officer of the board of education, a sum not exceeding six hundred and twenty-five dollars. For travelling and other expenses of the commissioner of education, his deputies and agents, a sum not exceeding twenty-one hundred dollars. All of the above is provided for by chapter four hundred and fifty-seven of the acts of the present year.

Salaries of  
employees of  
the commis-  
sioner of  
education.

For the maintenance of industries under the control of the Massachusetts commission for the blind, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Massachu-  
setts commis-  
sion for the  
blind.

For expenses in connection with the establishment of life insurance departments by savings banks, a sum not exceeding twenty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Life insurance  
departments  
of savings  
banks.

For such additional clerical assistance as the tax commissioner may find necessary for the despatch of public

Clerical  
assistance to  
the tax com-  
missioner.

business, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Expenses  
of the tax  
commissioner,  
etc.

For incidental and contingent expenses of the tax commissioner and commissioner of corporations, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Printing  
report of  
civil service  
commission.

For printing and binding the annual report of the civil service commission, the sum of ninety dollars and seventy-nine cents, the same to be in addition to any amount heretofore appropriated for this purpose.

State farm.

For the maintenance of the state farm, a sum not exceeding fifteen thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Officers and  
men of the  
militia.

For compensation of the officers and men of the volunteer militia, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

State board of  
education.

The appropriation made the present year for the salaries and expenses in the office of the state board of education and for sundry educational purposes, on and after the first day of July, so far as the same may be applicable, shall be available for expenses of the new state board of education.

Agents of  
commissioner  
of state aid  
and pensions.

For the salaries of the agents of the commissioner of state aid and pensions, as authorized by chapter four hundred and sixty-eight of the acts of the present year, a sum not exceeding one hundred and twenty-five dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Additional  
clerks.

For the salaries of additional clerks of the commissioner of state aid and pensions, as authorized by chapter four hundred and sixty-eight of the acts of the present year, a sum not exceeding sixty-seven dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Purchase  
of histories of  
regiments, etc.

For the purchase of histories of regiments, batteries and other military organizations of the Massachusetts volunteers who served in the civil war, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

For expenses in connection with the improvement of Hummarock beach in the town of Scituate, and Buck's creek in the town of Chatham, as authorized by chapter one hundred and twenty of the resolves of the present year, a sum not exceeding five hundred dollars.

Hummarock beach in Scituate and Buck's creek in Chatham.

For the improvement of Annisquam river in the city of Gloucester, as authorized by chapter one hundred and twenty-two of the resolves of the present year, a sum not exceeding seventy-five hundred dollars.

Annisquam river in Gloucester.

For extending and completing the improvement of the channel of Bass river between the towns of Dennis and Yarmouth, as authorized by chapter one hundred and twenty-three of the resolves of the present year, a sum not exceeding ten thousand dollars.

Channel of Bass river.

For the improvement of Cotuit harbor in the town of Barnstable, as authorized by chapter one hundred and twenty-four of the resolves of the present year, a sum not exceeding ten thousand dollars, the same to be in addition to the sum of five thousand dollars authorized by chapter five hundred and forty-six of the acts of the year nineteen hundred and eight.

Cotuit harbor in Barnstable.

To provide for the dredging of an anchorage basin in Hingham harbor, as authorized by chapter one hundred and twenty-five of the resolves of the present year, a sum not exceeding five thousand dollars. This amount is in addition to the sum authorized by chapter one hundred and nine of the resolves of the year nineteen hundred and eight.

Anchorage basin in Hingham harbor.

To provide for the construction of breakwaters and other structures to protect the town of Chatham from damage by the sea, as authorized by chapter one hundred and twenty-six of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

Breakwaters, etc., in Chatham.

For the salary of a third assistant register of probate and insolvency for the county of Middlesex, as authorized by chapter four hundred and ninety-four of the acts of the present year, the sum of six hundred eighty-seven dollars and fifty cents.

Third assistant register of probate, etc., Middlesex county.

To provide for the repair of breakwaters and sea walls in the town of Scituate, as authorized by chapter four hundred and ninety-eight of the acts of the present year, a sum not exceeding fifteen hundred dollars.

Breakwaters, etc., in Scituate.



Herring river  
in Harwich.

To provide further for improving the mouth of Herring river in the town of Harwich, as authorized by chapter four hundred and ninety-nine of the acts of the present year, a sum not exceeding ten thousand dollars.

Breakwater  
in Vineyard  
Haven harbor.

For extending the stone breakwater in Vineyard Haven harbor, as authorized by chapter five hundred of the acts of the present year, a sum not exceeding ten thousand dollars.

Lynn harbor.

For an examination and report on Lynn harbor, as authorized by chapter five hundred and one of the acts of the present year, a sum not exceeding one thousand dollars.

Sewage dis-  
posal for the  
Worcester in-  
sane hospital.

To provide for a commission to investigate the advisability of establishing a system for the disposal of sewage from the Worcester insane hospital in the city of Worcester, as authorized by chapter one hundred and twenty-eight of the resolves of the present year, a sum not exceeding one thousand dollars.

Lowell textile  
school.

To provide for additional floor space in the buildings of the Lowell textile school, and for other purposes of said school, as authorized by chapter one hundred and twenty-nine of the resolves of the present year, the sum of eighteen thousand dollars.

Transporta-  
tion of state  
paupers.

For transportation of state paupers under charge of the state board of charity, a sum not exceeding two thousand dollars, in addition to any amount heretofore appropriated for this purpose.

Leper hospital.

To provide for improvements at the leper hospital on Penikese island, as authorized by chapter one hundred and thirty of the resolves of the present year, a sum not exceeding twelve thousand dollars.

Lobster cove,  
etc., in  
Gloucester.

For the improvement of Lobster cove and Annisquam river in the city of Gloucester, as authorized by chapter one hundred and thirty-one of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Cuttyhunk  
harbor in  
Gosnold.

To provide for the completion of the improvements of the harbor of Cuttyhunk in the town of Gosnold, as authorized by chapter one hundred and thirty-two of the resolves of the present year, a sum not exceeding ten thousand dollars.

Weymouth  
Fore river.

To provide for dredging the upper part of Weymouth Fore river, as authorized by chapter one hundred and thirty-three of the resolves of the present year, a sum not exceeding ten thousand dollars.

For dredging a channel in Boston harbor at Orient Heights, as authorized by chapter one hundred and thirty-four of the resolves of the present year, a sum not exceeding seven thousand dollars, in addition to the sum authorized by chapter one hundred and nine of the resolves of the year nineteen hundred and seven.

Dredging a channel at Orient Heights.

For the Smith agricultural school and Northampton school of technology, as authorized by chapter one hundred and thirty-five of the resolves of the present year, the sum of seven thousand dollars.

Smith agricultural school, etc.

For repairing the bridge over Parker river in the town of Newbury and for the examination of certain other large bridges, as authorized by chapter one hundred and thirty-six of the resolves of the present year, a sum not exceeding twenty thousand dollars, to be expended by the Massachusetts highway commission, in addition to other sums which have been or which may be appropriated for the use of said commission during the year nineteen hundred and nine.

Parker river bridge in Newbury, etc.

For James B. Rockefeller, as authorized by chapter one hundred and thirty-seven of the resolves of the present year, the sum of fifteen dollars.

James B. Rockefeller.

For completing the improvements at West Falmouth harbor, as authorized by chapter one hundred and thirty-eight of the resolves of the present year, a sum not exceeding ten thousand dollars, in addition to any sum heretofore appropriated for this purpose.

West Falmouth harbor.

For the ninth regiment of the militia, as authorized by chapter one hundred and thirty-nine of the resolves of the present year, a sum not exceeding twenty-six hundred dollars.

Ninth regiment of the militia.

For constructing rip-rap work on the westerly or Northampton side of the Connecticut river, as authorized by chapter five hundred and ten of the acts of the present year, a sum not exceeding fifteen hundred dollars.

Rip-rap work on the Connecticut river.

To provide for dredging the flats in Boston harbor near Jeffries Point, as authorized by chapter five hundred and thirty of the acts of the present year, a sum not exceeding ten thousand dollars.

Jeffries Point in Boston harbor.

For dredging a channel at Harbor View in Boston harbor, as authorized by chapter one hundred and forty-one of the resolves of the present year, a sum not exceeding ten thousand dollars.

Harbor View.

Investigation  
of laws relat-  
ing to taxa-  
tion.

To provide for an investigation of the laws relating to taxation, as authorized by chapter one hundred and forty-two of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Examiners of  
plumbers.

For the compensation of the examiners of plumbers, including the travelling and other necessary expenses of the clerk, as authorized by chapter five hundred and thirty-six of the acts of the present year, a sum not exceeding sixteen hundred dollars.

Homestead  
commission.

To provide for a homestead commission, as authorized by chapter one hundred and forty-three of the resolves of the present year, a sum not exceeding one thousand dollars.

Railroad com-  
missioners.

For expenses of the board of railroad commissioners, the tax commissioner and the bank commissioner, sitting jointly, to investigate questions suggested in the report of the attorney-general for the year ending January twenty, nineteen hundred and nine, which relates to the New York, New Haven and Hartford Railroad Company, as authorized by chapter one hundred and forty-four of the resolves of the present year, a sum not exceeding five thousand dollars.

Low-water  
mark in Lake  
Quannapowitt.

To establish a low-water mark in Lake Quannapowitt in the town of Wakefield and to provide for the drainage of the adjacent meadows, as authorized by chapter five hundred and thirty-nine of the acts of the present year, a sum not exceeding four thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved June 19, 1909.*

# RESOLVES.

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RESOLVE EXTENDING THE TIME FOR THE FINAL REPORT OF *Chap. 1*  
THE COMMISSION APPOINTED TO INVESTIGATE THE VARIOUS SYSTEMS OF OLD AGE INSURANCE, PENSIONS AND ANNUITIES.

*Resolved*, That the commission which was appointed under authorization of chapter one hundred and twenty-seven of the resolves of the year nineteen hundred and seven, to investigate and consider the various systems of old age insurance or old age pensions, or annuities, proposed or in operation in this commonwealth, or elsewhere, and report upon the advisability of establishing an old age insurance or pension system in this commonwealth, is hereby continued, and the time within which the commission shall present its final report is hereby extended to the fifteenth day of January, nineteen hundred and ten.

Extending the time for making report relative to old age pensions, etc.

*Approved January 18, 1909.*

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RESOLVE TO EXTEND THE TIME WITHIN WHICH THE COMMISSION TO REVISE AND CODIFY THE LAWS RELATING TO INSANE PERSONS MAY MAKE ITS REPORT. *Chap. 2*

*Resolved*, That the time within which the commission appointed under authority of chapter sixty-two of the resolves of the year nineteen hundred and eight to revise and codify the laws of the commonwealth relating to insane persons may make its report to the general court is hereby extended to February nineteenth, nineteen hundred and nine.

Extending the time for making report on revision of laws relating to insane persons.

*Approved January 29, 1909.*

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RESOLVE IN FAVOR OF LEMUEL D. BURR AND ANNA BURR. *Chap. 3*

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth the sum of one hundred and fifty dollars to Lemuel D. Burr and Anna Burr, for their support, they being the children of the late Lemuel

Lemuel D. Burr and Anna Burr.

Burr of Cambridge, who was a member of the Ponkapoag tribe of Indians, this amount being for their expenses for the fiscal year ending November thirtieth, nineteen hundred and eight. *Approved February 3, 1909.*

**Chap. 4** RESOLVE GRANTING AN ANNUITY TO LEMUEL D. BURR AND ANNA BURR.

Lemuel D.  
Burr and Anna  
Burr.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth an annuity of one hundred and fifty dollars to Lemuel D. Burr and Anna Burr, children of the late Lemuel Burr of Cambridge, who was a member of the Ponkapoag tribe of Indians. Said annuity shall begin on the first day of December in the year nineteen hundred and eight, shall be payable in equal quarterly instalments, and shall continue during their natural lives. In the event of the death of one of the said persons, the survivor shall receive one half of the annuity granted by this resolve. *Approved February 3, 1909.*

**Chap. 5** RESOLVE RELATIVE TO THE PUBLICATION OF THE BULLETIN OF COMMITTEE HEARINGS.

Publication  
of bulletin of  
committee  
hearings.

*Resolved*, That the publication of the bulletin of committee hearings shall be under the control of the joint committee on rules, who shall appoint the editor thereof and fix his compensation. The bills for editing and printing the bulletin shall be approved by the senate or house chairman of the joint committee on rules before being filed in the auditor's office for allowance. The sergeant-at-arms shall mail copies of the bulletin to persons making application therefor, on payment of the sum of two dollars. All sums of money received for the bulletin shall be paid to the treasurer of the commonwealth once each month. *Approved February 5, 1909.*

**Chap. 6** RESOLVE TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO BORROW MONEY IN ANTICIPATION OF REVENUE.

Treasurer  
and receiver  
general may  
borrow money  
in anticipa-  
tion of revenue.

*Resolved*, That, in anticipation of the receipts of the present year, the treasurer and receiver general is hereby authorized to borrow, at any time before the expiration of fifteen days after the meeting of the next general court,



such sums of money as may from time to time be necessary for the payment of ordinary demands on the treasury, and to issue bonds or notes therefor, at such rates of interest as shall be found necessary; and he shall repay any sums borrowed under this resolve as soon as money sufficient for this purpose, and not otherwise appropriated, is received into the treasury.

*Approved February 9, 1909.*

RESOLVE TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO BORROW MONEY IN ANTICIPATION OF ASSESSMENTS FOR THE METROPOLITAN DISTRICTS. *Chap. 7*

*Resolved,* That, in anticipation of the assessments of the present year for the metropolitan districts, the treasurer and receiver general is hereby authorized to borrow, at any time before December first, nineteen hundred and nine, such sums of money as may from time to time be necessary for the payment of the interest and maintenance charges of the metropolitan districts, and to issue notes or bonds therefor, at such rates of interest as shall be found necessary; and he shall repay any sums borrowed under this resolve as soon after said assessments are paid as is expedient; and the treasurer and receiver general is hereby authorized to collect from the cities and towns of said metropolitan districts, proportionately, all interest that may be paid upon money borrowed under this resolve.

Treasurer and receiver general may borrow money in anticipation of the receipt of certain assessments.

*Approved February 9, 1909.*

RESOLVE RELATIVE TO COMPILING, INDEXING AND PUBLISHING THE RECORDS OF MASSACHUSETTS SOLDIERS AND SAILORS WHO SERVED IN THE REVOLUTIONARY WAR. *Chap. 8*

*Resolved,* That the secretary of the commonwealth is hereby authorized and directed to continue the preparation and publication of an indexed compilation of the records of the Massachusetts soldiers and sailors who served in the army and navy during the revolutionary war, as shown by the archives in the office of the secretary of the commonwealth, and he may expend therefor a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore authorized for this purpose.

Revolutionary war records.

*Approved February 10, 1909.*

*Chap. 9* RESOLVE RELATIVE TO EXPENDITURES BY HEADS OF DEPARTMENTS AND OTHER OFFICIALS OF THE COMMONWEALTH.

Expenditures  
by heads of  
departments,  
etc.

*Resolved*, That the heads of departments and officials having supervision of or charge of expenditures in behalf of the commonwealth for which no appropriations have been made are hereby authorized to continue the said departments and expenditures until appropriations are made therefor, or the pleasure of the present general court in respect thereto is otherwise made known.

*Approved February 10, 1909.*

*Chap. 10* RESOLVE TO CONFIRM THE ACTS OF EDMUND K. ARNOLD AS A JUSTICE OF THE PEACE.

Acts of  
Edmund K.  
Arnold, jus-  
tice of the  
peace, con-  
firmed.

*Resolved*, That the acts of Edmund K. Arnold as a justice of the peace between the twenty-ninth day of November in the year nineteen hundred and six and the fifth day of February in the year nineteen hundred and eight, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

*Approved February 10, 1909.*

*Chap. 11* RESOLVE TO PROVIDE FOR THE RENEWAL OF AN EXISTING CONTRACT WITH THE FIRM OF LITTLE, BROWN AND COMPANY FOR THE PUBLICATION OF THE DECISIONS OF THE SUPREME JUDICIAL COURT.

Contract  
with the firm  
of Little,  
Brown and  
Company.

*Resolved*, That the secretary of the commonwealth is hereby authorized to renew the contract now existing between the commonwealth and the firm of Little, Brown and Company for the publication of the decisions of the supreme judicial court for the further term of five years from the first day of August current.

*Approved February 10, 1909.*

*Chap. 12* RESOLVE TO PROVIDE FOR REIMBURSING THE KENNY-CLARK COMPANY FOR THE LOSS OF A HORSE INJURED WHILE IN USE BY THE MILITIA.

Kenny-Clark  
Company.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth such sum, not exceeding one hundred and seventy-five dollars, as the adjutant

general may deem proper for reimbursing the Kenny-Clark Company for the loss of a horse from injuries received at Barnstable while in use by battery A, first battalion of field artillery, in July, nineteen hundred and eight.

*Approved February 15, 1909.*

RESOLVE TO PROVIDE FOR REIMBURSING ROGER D. SWAIM FOR INJURY TO A HORSE WHILE IN USE BY THE MILITIA. *Chap. 13*

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth to Roger D. Swaim of Cambridge the sum of one hundred dollars, in full compensation for injury to a horse owned by him and hired by the commonwealth for the use of battery A, first battalion of field artillery, in the year nineteen hundred and eight.

Roger D.  
Swaim.

*Approved February 15, 1909.*

RESOLVE TO CONFIRM THE ACTS OF ROBERT H. GARDINER, JUNIOR, AS A JUSTICE OF THE PEACE. *Chap. 14*

*Resolved,* That the acts of Robert H. Gardiner, Junior, as a justice of the peace, between the twenty-fifth day of September in the year nineteen hundred and seven and the twenty-fifth day of September in the year nineteen hundred and eight, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

Acts of Robert  
H. Gardiner,  
Jr., justice of  
the peace, con-  
firmed.

*Approved February 15, 1909.*

RESOLVE TO CONFIRM THE ACTS OF GEORGE L. HUNTRESS AS A JUSTICE OF THE PEACE. *Chap. 15*

*Resolved,* That the acts of George L. Huntress of Winchester as a justice of the peace, between the twenty-eighth day of November in the year nineteen hundred and seven and the tenth day of September in the year nineteen hundred and eight, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

Acts of  
George L.  
Huntress, jus-  
tice of the  
peace, con-  
firmed.

*Approved February 15, 1909.*

RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS. *Chap. 16*

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth to the Trustees of the Sol-

Soldiers'  
Home in Mas-  
sachusetts.

diers' Home in Massachusetts the sum of eighty-five thousand dollars, for the purpose of aiding in the maintenance of the home during the current fiscal year.

*Approved February 17, 1909.*

**Chap. 17** RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE  
EYE AND EAR INFIRMARY.

Massachusetts  
Charitable  
Eye and Ear  
Infirmary.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to the Massachusetts Charitable Eye and Ear Infirmary the sum of thirty-five thousand dollars, to be expended under the direction of the managers thereof for the charitable purposes of the infirmary during the year nineteen hundred and nine.

*Approved February 17, 1909.*

**Chap. 18** RESOLVE TO PROVIDE FOR REIMBURSING R. H. GROGAN FOR  
THE LOSS OF A HORSE USED BY THE MILITIA.

R. H. Grogan.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to R. H. Grogan of Brookline the sum of two hundred dollars, in full compensation for a horse owned by him and used by the militia at the encampment at White Plains, New York, in the month of June in the year nineteen hundred and eight, and found dead in the car upon the return of the militia.

*Approved February 18, 1909.*

**Chap. 19** RESOLVE TO CONFIRM THE ACTS OF EDWARD J. LEARY AS  
A JUSTICE OF THE PEACE.

Acts of  
Edward J.  
Leary, justice  
of the peace,  
confirmed.

*Resolved*, That the acts of Edward J. Leary as a justice of the peace, between the sixth day of September in the year nineteen hundred and six and the twentieth day of January in the year nineteen hundred and nine, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

*Approved February 18, 1909.*

**Chap. 20** RESOLVE TO AUTHORIZE THE PAYMENT OF AN ANNUITY TO  
ELBRIDGE G. GIGGER.

Elbridge G.  
Gigger.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to the selectmen of the town of Gardner an annuity of one hundred and fifty

dollars, to be expended by the said selectmen for the benefit of Elbridge G. Gigger, son of the late Elbridge Gigger, a member of the Hassanamisco tribe of Indians, for the rest of his natural life, beginning with the first day of January in the year nineteen hundred and nine, and payable in equal quarterly instalments.

*Approved February 25, 1909.*

RESOLVE TO AUTHORIZE THE PAYMENT OF AN ANNUITY TO  
LUCINDA B. CUMMINGS. *Chap. 21*

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to the mayor of the city of Worcester an annuity of one hundred and fifty dollars, to be expended by the said mayor for the benefit of Lucinda B. Cummings, granddaughter of the late Hepsibeth Hemenway and daughter of the late Ebenezer Hemenway, members of the Hassanamisco tribe of Indians, for the rest of her natural life, beginning with the first day of January in the year nineteen hundred and nine, and payable in equal quarterly instalments.

Lucinda B.  
Cummings.

*Approved February 25, 1909.*

RESOLVE TO PROVIDE FOR REIMBURSING CERTAIN MEMBERS  
OF THE MILITIA FOR PERSONAL PROPERTY DESTROYED BY  
FIRE. *Chap. 22*

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth such sum as may be necessary to reimburse the members of the fifth company, coast artillery corps, Massachusetts volunteer militia, for personal clothing destroyed by fire, April twelfth, nineteen hundred and eight, in their armory in the city of Chelsea, while said members were on duty; the same to be expended under the direction of the company commander, with the approval of the adjutant general, but not to exceed the sum of fourteen hundred and fifty dollars.

Reimbursing  
certain mem-  
bers of the  
militia, etc.

*Approved February 25, 1909.*

RESOLVE TO PROVIDE FOR THE EXPENSE OF MAKING AN  
INDEX OF THE WAR AND MILITIA RECORDS IN THE AR-  
CHIVES OF THE ADJUTANT GENERAL. *Chap. 23*

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding twenty-

Index of war  
and militia  
records.



five hundred dollars, to be expended under the direction of the adjutant general in making an index of the war and militia records in the archives of the office of the adjutant general.

*Approved February 25, 1909.*

**Chap. 24** RESOLVE TO PROVIDE FOR IMPROVEMENTS AT THE STATE  
NORMAL SCHOOL AT WESTFIELD.

Normal school  
at Westfield.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding fifteen hundred dollars, for alterations in the buildings of the state normal school at Westfield, which are called for by an order of the state inspector of buildings; the said amount to be expended under the direction of the state board of education.

*Approved February 27, 1909.*

**Chap. 25** RESOLVE IN FAVOR OF LYMAN S. HAPGOOD, EXECUTOR OF  
THE ESTATE OF MARY A. GOTT.

Lyman S.  
Hapgood, ex-  
ecutor.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to Lyman S. Hapgood, executor of the estate of Mary A. Gott, late of Gloucester, the sum of fifty-five dollars, being the sum paid to the commonwealth April first, nineteen hundred and seven, by mistake, as a collateral inheritance tax on legacies which by law were exempt from said tax.

*Approved March 3, 1909.*

**Chap. 26** RESOLVE TO PROVIDE FOR RENEWING THE STOCK OF ATLAS  
SHEETS OF THE MAP OF THE COMMONWEALTH HELD FOR  
SALE BY THE HARBOR AND LAND COMMISSIONERS.

Atlas sheets  
of map  
of the com-  
monwealth.

*Resolved*, That the board of harbor and land commissioners is hereby authorized and directed to renew from time to time the stock of atlas sheets of the map of the commonwealth held by it for sale under the provisions of chapter fifty-seven of the resolves of the year eighteen hundred and ninety and chapter forty-two of the resolves of the year eighteen hundred and ninety-one, by purchasing from the United States geological survey such sheets as may be required to keep in stock at all times copies of all the atlas sheets. Said board is further authorized and directed to expend for the purchase of such sheets the

money received from the sale of atlas sheets and town boundary atlases, reporting to the treasurer and receiver general monthly the amount so expended and forwarding to him at the same time the balance of such receipts.

*Approved March 3, 1909.*

RESOLVE TO PROVIDE FOR REIMBURSING J. HERBERT THOMPSON FOR INJURIES TO A HORSE WHILE IN THE SERVICE OF THE MILITIA.

*Chap. 27*

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth to J. Herbert Thompson of Somerville the sum of seventy-five dollars, in full compensation for injuries to a horse owned by him, the said horse having been hired for use by the militia at the annual encampment at Framingham in the year nineteen hundred and eight.

J. Herbert  
Thompson.

*Approved March 5, 1909.*

RESOLVE TO REIMBURSE THE MASSACHUSETTS AGRICULTURAL COLLEGE FOR THE LOSS BY FIRE OF A BARN WITH ITS CONTENTS.

*Chap. 28*

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding thirty thousand dollars, to be expended at the Massachusetts Agricultural College under the direction of the trustees thereof, to replace a barn and contents destroyed by fire, and for extra expenses thereby incurred, to wit: — Barn for storage of farm crops; repairs to silos, stable, removing debris, and other materials; cattle; hay, grain, and fertilizers; machinery, tools, and miscellaneous supplies.

Massachusetts  
Agricultural  
College.

*Approved March 5, 1909.*

RESOLVE IN FAVOR OF THE THOMPSON HARDWARE COMPANY.

*Chap. 29*

*Resolved,* That there be paid to the Thompson Hardware Company of Lowell the sum of fifty-eight dollars and twenty-five cents, for hardware materials supplied by that company for the armory at Lowell.

Thompson  
Hardware  
Company.

*Approved March 5, 1909.*

- Chap. 30* RESOLVE TO PROVIDE FOR REIMBURSING THE TOWN OF AMESBURY FOR THE SUPPORT OF SARAH A. LITTLEFIELD AND HER SONS.

Town of  
Amesbury.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to the town of Amesbury the sum of six hundred sixty-three dollars and forty cents, paid by the town, under a misapprehension of facts, for the support of Sarah A. Littlefield and her two sons, since the year nineteen hundred and six, the said persons having no known settlement in the said town.

*Approved March 9, 1909.*

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- Chap. 31* RESOLVE TO PROVIDE FOR REIMBURSING THE TOWN OF PRESCOTT FOR MONEY PAID FOR THE SUPPORT OF CERTAIN PAUPERS.

Town of  
Prescott.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to the town of Prescott the sum of nine hundred eighty dollars and twelve cents, paid by the town for the support of Nathan M. Horr, and the sum of two hundred sixty-four dollars and sixteen cents, paid by the town for the support of Pierce Horr, they having no known settlement in the said town, and these sums having been paid by the town under a misapprehension of facts.

*Approved March 10, 1909.*

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- Chap. 32* RESOLVE TO PROVIDE FOR THE REPRESENTATION OF THE COMMONWEALTH AT THE DEDICATION OF A MEMORIAL SHAFT IN THE NATIONAL CEMETERY AT BATON ROUGE, LOUISIANA.

Dedication  
of memorial  
shaft at  
Baton Rouge,  
Louisiana.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding five thousand dollars, to be expended under the direction of the governor and council, to enable the commonwealth to be represented, through the following named officials, at the dedication of a memorial shaft in the National Cemetery, Baton Rouge, Louisiana, to be constructed under the provisions of chapter forty-two of the resolves of the year nineteen hundred and eight:—His excellency the governor, or his honor the lieutenant governor; two members of the governor's staff; two members of the executive

council; the president of the senate; the speaker of the house of representatives; the clerk of the senate and the clerk of the house of representatives; the three members of the commission appointed under authority of said chapter forty-two; and the joint committee on military affairs. Any vacancy occurring in the legislative representation shall be filled by the presiding officer of the branch in the representation of which such vacancy occurs, preference to be given to veterans of the civil war. In case any other vacancy occurs, it shall be filled by his excellency the governor, who shall appoint a veteran of the civil war who served in the department of the gulf.

*Approved March 10, 1909.*

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RESOLVES TO PROVIDE FOR THE PUBLICATION OF AN ADDITIONAL VOLUME OF SPECIAL LAWS. *Chap. 33*

*Resolved*, That the special laws of this commonwealth, Special laws.  
passed in the years nineteen hundred and six to nineteen hundred and eight, inclusive, be collated and published under the direction of the secretary of the commonwealth, in a volume as nearly as may be in conformity with the volume of special laws last printed.

*Resolved*, That twelve hundred copies of the said volume be printed and distributed as follows:—One hundred copies for use in the various state offices and in the committee rooms and offices of the two branches of the general court; one copy to each member of the present general court; one copy to each of the justices of the supreme judicial and superior courts and to each judge of probate and insolvency; two hundred copies for the state library, six copies of which shall be preserved upon the shelves, and the residue used in exchanges; one copy to each city and town in the commonwealth, to be placed in the city or town library, when such a library exists; one copy to such libraries in the commonwealth, other than city or town libraries, as the secretary of the commonwealth in his discretion may designate; one copy to each registry of deeds; one copy to each of the clerks of the courts in each county; fifty copies to be retained in the office of the secretary of the commonwealth; and the remaining copies to be disposed of by the secretary of the commonwealth to individual purchasers at cost, the money Distribution.

Proviso.

received therefor to be paid into the treasury of the commonwealth: *provided*, that no copies shall be sold for the purpose of re-sale. The secretary shall cause to be pasted on the inside of the cover of each copy delivered by him to any public officer for the use of his office a paper stating that fact, and that such copy is to be transmitted by the present incumbent at the expiration of his term of office to his successor in such office.

*Approved March 13, 1909.*

**Chap. 34** RESOLVE IN FAVOR OF THE NEW ENGLAND INDUSTRIAL SCHOOL FOR DEAF MUTES.

New England  
Industrial  
School for Deaf  
Mutes.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to the New England Industrial School for Deaf Mutes the sum of thirty-five hundred dollars, the same to be paid, upon the approval of the state board of education, to the trustees of said school and to be expended under their direction, for the educational purposes of the school for the year nineteen hundred and nine. The trustees shall report to the state board of education the expenditures made under authority of this resolve.

*Approved March 13, 1909.*

**Chap. 35** RESOLVE TO AUTHORIZE THE PAYMENT OF CERTAIN SUMS TO MEMBERS OF THE SIGNAL CORPS OF THE MASSACHUSETTS VOLUNTEER MILITIA.

Signal corps  
of the militia.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth from the ordinary revenue the sum of six hundred eighty-six dollars and forty-two cents, to certain members of the signal corps of the Massachusetts volunteer militia who were in the service of the commonwealth in the city of Chelsea after the fire in that city in April, nineteen hundred and eight, the said sums to be paid under the direction of the adjutant general.

*Approved March 13, 1909.*

**Chap. 36** RESOLVE IN FAVOR OF GEORGE NELSON.

George Nelson.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to George Nelson of Boston the sum of forty-nine dollars, being the amount of pay due him for fourteen days' service as quartermaster



sergeant, accompanying a rifle team of the militia sent by the commonwealth to Camp Perry, in Ohio, in August, nineteen hundred and seven.

*Approved March 13, 1909.*

RESOLVE TO PROVIDE FOR ENLARGING THE CHANNEL AT  
WOLLASTON BEACH IN THE CITY OF QUINCY. *Chap. 37*

*Resolved,* That the board of harbor and land commissioners is hereby authorized and directed to deepen and enlarge the channel dredged at Wollaston beach under the provisions of chapter three hundred and sixty-six of the acts of the year nineteen hundred and three, so that it shall be not less than sixty feet wide at the bottom and not less than three feet deep at mean low water. For this purpose the board may expend a sum not exceeding seventy-five hundred dollars, being the sum appropriated for enlarging said channel by chapter six hundred and thirty-two of the acts of the year nineteen hundred and eight, as authorized by chapter one hundred and eight of the resolves of the year nineteen hundred and eight, but no new appropriation is to be made for said purpose.

Wollaston  
Beach in  
Quincy.

*Approved March 18, 1909.*

RESOLVE TO CONFIRM THE ACTS OF ALFORD M. GRAHAM  
AS A JUSTICE OF THE PEACE. *Chap. 38*

*Resolved,* That the acts of Alford M. Graham of Watertown as a justice of the peace, between the eleventh day of January and the first day of November in the year nineteen hundred and seven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

Acts of  
Alford M.  
Graham, jus-  
tice of the  
peace, con-  
firmed.

*Approved March 18, 1909.*

RESOLVE TO PROVIDE FOR NEW BOILERS AT THE STATE  
HOUSE. *Chap. 39*

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth from the ordinary revenue a sum not exceeding twelve thousand dollars, to be expended under the direction of the governor and council, for installing two new boilers in the state house.

New boilers  
at the state  
house.

*Approved March 23, 1909.*

**Chap. 40** RESOLVE IN FAVOR OF THE WIDOW AND CHILDREN OF CORNELIUS COUGHLIN.

Widow and  
children of  
Cornelius  
Coughlin, etc.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth the sum of one thousand dollars to Catherine Coughlin, widow of Cornelius Coughlin of Chelsea, as she is administratrix of his estate, for the benefit of herself and her children, on account of the death of her husband, the said Cornelius, who lost his life while performing the duties of a fireman during the conflagration in the city of Chelsea on the twelfth day of April, nineteen hundred and eight.

*Approved March 24, 1909.*

**Chap. 41** RESOLVE RELATIVE TO THE SUPERVISION OF THE UNITED STATES CENSUSES IN THE COMMONWEALTH.

Supervision of  
United States  
censuses.

*Resolved*, That the chief of the bureau of statistics of labor is authorized to supervise, under the direction of the director of the census, the taking of the United States censuses in Massachusetts, and in census years to make such arrangements as may be necessary to merge the annual statistics of manufactures provided for by chapter one hundred and seven of the Revised Laws with the United States census of manufactures.

*Approved March 25, 1909.*

**Chap. 42** RESOLVE TO EXTEND THE TERM OF OFFICE OF THE COMMISSION APPOINTED TO INVESTIGATE THE SUBJECT OF PUBLIC IMPROVEMENTS FOR THE METROPOLITAN DISTRICT.

Public im-  
provements  
for the met-  
ropolitan dis-  
trict.

*Resolved*, That the term of the commission appointed under authority of chapter one hundred and eight of the resolves of the year nineteen hundred and seven to investigate the subject of public improvements for the metropolitan district is hereby extended to May fifteenth, nineteen hundred and nine.

*Approved March 26, 1909.*

**Chap. 43** RESOLVE IN FAVOR OF CHARLES F. PIDGIN.

Charles F.  
Pidgin.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to Charles F. Pidgin the

sum of one thousand dollars, to be received by him in full payment for the use of any and all of certain tabulating devices and machines copyrighted and patented by the said Pidgin and heretofore used by the bureau of statistics of labor without compensation to him.

*Approved March 27, 1909.*

RESOLVE RELATIVE TO QUARTERS IN THE STATE HOUSE *Chap. 44*  
ASSIGNED TO MEMBERS OF THE PRESS.

*Resolved*, That the quarters in the state house assigned for use by representatives of the press shall be enlarged and improved by the addition of room number four hundred and forty-four, and in such other manner as may be directed by the governor and council, who may expend for the purposes of this resolve such sum as they deem to be necessary.

Legislative  
reporters.

*Approved April 1, 1909.*

RESOLVE TO PROVIDE FOR COMPENSATING EDGAR S. DAR- *Chap. 45*  
LING FOR DAMAGE TO A HORSE INJURED IN THE SERVICE  
OF THE MILITIA, AND WALTER P. MAYO FOR TREATING  
THE HORSE.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth such sums, not exceeding seventy-five dollars in all, as the adjutant general may deem proper, for reimbursing Edgar S. Darling for injuries received by his horse, while the horse was in use by the Massachusetts volunteer militia, and Walter P. Mayo for professional services rendered to said horse.

Edgar S.  
Darling.

*Approved April 2, 1909.*

RESOLVE RELATIVE TO THE WATER SUPPLY FOR THE RE- *Chap. 46*  
FORMATORY PRISON FOR WOMEN.

*Resolved*, That the prison commissioners are hereby authorized to make arrangements with the town of Framingham for a water supply for the reformatory prison for women.

Reformatory  
prison for  
women.

*Approved April 9, 1909.*

RESOLVE TO PROVIDE FOR SPECIAL REPAIRS AT THE MASSA- *Chap. 47*  
CHUSETTS REFORMATORY.

*Resolved*, That there be allowed and paid out of the Massachusetts Reformatory Industries Fund a sum not

Massachusetts  
reformatory.

exceeding ninety-five hundred dollars, to be expended under the direction of the prison commissioners at the Massachusetts reformatory for the following purposes:— For installing two steam boilers, five thousand dollars; for repairing the houses occupied by the subordinate officers, and for painting, fifteen hundred dollars; for repairing the boundary wall, two thousand dollars; and for renewing the library, one thousand dollars.

*Approved April 14, 1909.*

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**Chap. 48** RESOLVE TO PROVIDE FOR REPAIRS AND IMPROVEMENTS  
AT THE PRISON CAMP AND HOSPITAL.

Prison camp  
and hospital.

*Resolved,* That there be allowed and paid out of the State Prison Industries Fund the sum of forty-one hundred dollars, to be expended under the direction of the prison commissioners at the prison camp and hospital in Rutland, for the following purposes:— For extending the dormitory in the camp section, twenty-five hundred dollars; and for fences, locks, doors and gratings, sixteen hundred dollars.

*Approved April 14, 1909.*

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**Chap. 49** RESOLVE RELATIVE TO THE STATUE OF JOSIAH BARTLETT  
IN THE TOWN OF AMESBURY.

Statue of  
Josiah  
Bartlett.

*Resolved,* That the name of Jacob R. Huntington, late of Amesbury, who contributed to the commonwealth the statue, now standing in the said town, of Josiah Bartlett of Amesbury, one of the signers of the Declaration of Independence, shall be inscribed upon the statue, under the direction of the governor and council.

*Approved April 14, 1909.*

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**Chap. 50** RESOLVE TO PROVIDE FOR AN INVESTIGATION BY THE  
STATE BOARD OF CHARITY RELATIVE TO ESTABLISHING  
A STATE HOSPITAL FOR INCURABLES.

State hospital  
for incurables.

*Resolved,* That the state board of charity is hereby directed to investigate the advisability of establishing a state hospital for incurables, and such other matters in connection therewith as it may deem important, and to report to the next general court, on or before the second Tuesday of January, the result of its investigations, with such recommendations as the board may think proper.

*Approved April 14, 1909.*

RESOLVE TO CONFIRM THE ACTS OF FRANK H. DROWN AS *Chap. 51*  
A NOTARY PUBLIC.

*Resolved*, That the acts of Frank H. Drown as a notary public, between the twenty-ninth day of November in the year nineteen hundred and six and the twenty-fifth day of March in the year nineteen hundred and nine, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office. Acts of Frank H. Drown, notary public, confirmed.

*Approved April 16, 1909.*

RESOLVE TO CONFIRM THE ACTS OF RICHARD P. BEMIS AS *Chap. 52*  
A NOTARY PUBLIC.

*Resolved*, That the acts of Richard P. Bemis as a notary public, between the thirteenth day of November in the year nineteen hundred and eight and the twenty-fifth day of March in the year nineteen hundred and nine, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office. Acts of Richard P. Bemis, notary public, confirmed.

*Approved April 16, 1909.*

RESOLVE TO PROVIDE FOR PRINTING THE REPORT OF THE COMMISSION APPOINTED TO INVESTIGATE THE SUBJECT OF PUBLIC IMPROVEMENTS FOR THE METROPOLITAN DISTRICT. *Chap. 53*

*Resolved*, That there be printed five thousand copies of the report of the commission appointed under chapter one hundred and eight of the resolves of the year nineteen hundred and seven to investigate the subject of public improvements for the metropolitan district. Of the said copies each member, clerk and assistant clerk of the general court shall receive two, each library in the commonwealth entitled to receive a copy of the blue book shall receive one, and the remaining copies shall be for the use of the said commission. The cost of printing and distributing the said copies shall be assessed upon the metropolitan parks district. Printing report.

*Approved April 22, 1909.*



*Chap. 54* RESOLVE TO PROVIDE FOR ADDITIONAL COPIES OF THE REPORT OF THE MASSACHUSETTS HOSPITAL SCHOOL FOR THE YEAR NINETEEN HUNDRED AND EIGHT.

Massachusetts  
hospital school.

*Resolved*, That there be printed for the use of the trustees of the Massachusetts hospital school five hundred additional copies of their report for the year nineteen hundred and eight.

*Approved April 26, 1909.*

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*Chap. 55* RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE DANVERS INSANE HOSPITAL.

Danvers in-  
sane hospital.

*Resolved*, That the trustees of the Danvers insane hospital are hereby authorized to expend from the appropriation made for maintenance of the hospital during the present year a sum not exceeding two thousand dollars, for building and furnishing an addition to the treasurer's office.

*Approved April 26, 1909.*

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*Chap. 56* RESOLVE IN FAVOR OF MICHAEL NAGLE.

Michael Nagle.

*Resolved*, That there be allowed and paid out of the North Metropolitan System Maintenance Fund, to Michael Nagle of Boston, the sum of forty-five dollars, in full compensation for loss of clothing, money and personal effects, sustained by him while endeavoring to protect the property of the commonwealth at the time of the Chelsea fire, April twelfth, nineteen hundred and eight.

*Approved April 26, 1909.*

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*Chap. 57* RESOLVE IN FAVOR OF PATRICK CROWLEY.

Patrick  
Crowley.

*Resolved*, That there be allowed and paid out of the North Metropolitan System Maintenance Fund, to Patrick Crowley of Boston, the sum of one hundred three dollars and fifty cents, in full compensation for loss of clothing, money and articles of personal adornment, sustained by him while endeavoring to protect the property of the commonwealth at the time of the Chelsea fire, April twelfth, nineteen hundred and eight.

*Approved April 26, 1909.*

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF *Chap. 58*  
BARNSTABLE.

*Resolved*, That the following sums are hereby appropriated for the expenses of the county of Barnstable for the year nineteen hundred and nine:— County tax, Barnstable.

For interest on county debt, a sum not exceeding two thousand two hundred dollars.

For reduction of county debt, a sum not exceeding eight thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding six thousand dollars.

For clerical assistance in county offices, a sum not exceeding one thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding five thousand seven hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding four thousand eight hundred dollars.

For criminal costs in the superior court, a sum not exceeding three thousand seven hundred dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding two thousand three hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding six hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand dollars.

For auditors, masters and referees, a sum not exceeding one thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding three thousand eight hundred dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding two thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding twelve thousand dollars.

For truant schools, a sum not exceeding one hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding three hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of forty-two thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 27, 1909.*

**Chap. 59** RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF  
BERKSHIRE.

County tax,  
Berkshire.

*Resolved,* That the following sums are hereby appropriated for the expenses of the county of Berkshire for the year nineteen hundred and nine:—

For interest on county debt, a sum not exceeding two thousand eight hundred dollars.

For reduction of county debt, a sum not exceeding ten thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirteen thousand dollars.

For clerical assistance in county offices, a sum not exceeding four thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-three thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-five thousand dollars.

For criminal costs in the superior court, a sum not exceeding six thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding six thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding two hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding three thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding two thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding five thousand dollars.

For fuel, lights and supplies in county buildings, other

than jails and houses of correction, and for care of the same, a sum not exceeding six thousand dollars. County tax, Berkshire.

For highways, including state highways, bridges and land damages, a sum not exceeding nineteen thousand dollars.

For law libraries, a sum not exceeding one thousand dollars.

For truant schools, a sum not exceeding four thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding two thousand dollars.

For the care and maintenance of the Greylock state reservation, a sum not exceeding two thousand five hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred twenty-four thousand six hundred twenty-three dollars and seventy-two cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 27, 1909.*

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RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF *Chap. 60*  
DUKES COUNTY.

*Resolved,* That the following sums are hereby appropriated for the expenses of the county of Dukes County for the year nineteen hundred and nine:— County tax, Dukes County.

For interest on county debt, a sum not exceeding one hundred dollars.

For reduction of county debt, a sum not exceeding five hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding two thousand two hundred dollars.

For clerical assistance in county offices, a sum not exceeding one hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding nine hundred and fifty dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding six hundred dollars.

County tax,  
Dukes County.

For criminal costs in the superior court, a sum not exceeding five hundred dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding one thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one hundred and fifty dollars.

For auditors, masters and referees, a sum not exceeding two hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding one thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding five hundred and fifty dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding one thousand seven hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding six hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of nine thousand seven hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 27, 1909.*

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**Chap. 61** RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF ESSEX.

County tax,  
Essex.

*Resolved,* That the following sums are hereby appropriated for the expenses of the county of Essex for the year nineteen hundred and nine:—

For interest on county debt, a sum not exceeding fifty thousand dollars.

For reduction of county debt, a sum not exceeding seventy-one thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirty-six thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding twenty-eight thousand dollars.



For salaries and expenses of district and police courts, County tax, Essex.  
a sum not exceeding sixty-six thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding sixty-four thousand dollars.

For criminal costs in the superior court, a sum not exceeding thirty-five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding thirty thousand dollars.

For trial justices, a sum not exceeding seven thousand five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding seven hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding eleven thousand dollars.

For auditors, masters and referees, a sum not exceeding five thousand dollars.

For building county buildings, a sum not exceeding four thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding fifteen thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding thirty thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding seventy-one thousand dollars.

For law libraries, a sum not exceeding eight thousand dollars.

For truant schools, a sum not exceeding thirty thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand three hundred seventeen dollars and eighty-three cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of five hundred and fourteen thousand one hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 27, 1909.*

*Chap. 62* RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF  
FRANKLIN.

County tax,  
Franklin.

*Resolved*, That the following sums are hereby appropriated for the expenses of the county of Franklin for the year nineteen hundred and nine: —

For interest on county debt, a sum not exceeding nine hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding seven thousand dollars.

For clerical assistance in county offices, a sum not exceeding two thousand six hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding eight thousand five hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twelve thousand five hundred dollars.

For criminal costs in the superior court, a sum not exceeding three thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding six thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding two hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand two hundred dollars.

For auditors, masters and referees, a sum not exceeding five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding one thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding three thousand five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding twelve thousand dollars.

For law libraries, a sum not exceeding one thousand dollars.

For truant schools, a sum not exceeding one hundred dollars.

For miscellaneous and contingent expenses of the cur-

rent year, a sum not exceeding two thousand nine hundred fifty-six dollars and forty-eight cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of fifty-five thousand three hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 27, 1909.*

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RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF *Chap. 63*  
MIDDLESEX.

*Resolved*, That the following sums are hereby appropriated for the expenses of the county of Middlesex for the year nineteen hundred and nine: — County tax,  
Middlesex.

For interest on county debt, a sum not exceeding thirty-five thousand dollars.

For reduction of county debt, a sum not exceeding forty-five thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirty-nine thousand dollars.

For clerical assistance in county offices, a sum not exceeding seventy-two thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding ninety-five thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding one hundred and fifty-eight thousand dollars.

For criminal costs in the superior court, a sum not exceeding fifty-eight thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding eighty thousand dollars.

For trial justices, a sum not exceeding three thousand five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding six hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding sixteen thousand dollars.

For auditors, masters and referees, a sum not exceeding ten thousand dollars.

County tax,  
Middlesex.

For repairing, furnishing and improving county buildings, a sum not exceeding forty thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding sixty thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding fifty-three thousand dollars.

For law libraries, a sum not exceeding seven thousand dollars.

For truant schools, a sum not exceeding thirty-two thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding six thousand five hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of six hundred seventy-two thousand two hundred sixty-one dollars and nineteen cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 27, 1909.*

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**Chap. 64** RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF NORFOLK.

County tax,  
Norfolk.

*Resolved*, That the following sums are hereby appropriated for the expenses of the county of Norfolk for the year nineteen hundred and nine:—

For interest on county debt, a sum not exceeding twelve thousand dollars.

For reduction of county debt, a sum not exceeding twenty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding eighteen thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding twenty-three thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding thirty-seven thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirty-eight thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-one thousand dollars. County tax,  
Norfolk.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-three thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding six thousand dollars.

For auditors, masters and referees, a sum not exceeding four thousand five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding five thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty-six thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding thirty thousand dollars.

For truant schools, a sum not exceeding four thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding three thousand seven hundred eighty-four dollars and fifteen cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of two hundred and five thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 27, 1909.*

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF PLYMOUTH. *Chap. 65*

*Resolved*, That the following sums are hereby appropriated for the expenses of the county of Plymouth for the year nineteen hundred and nine:— County tax,  
Plymouth.

For interest on county debt, a sum not exceeding eight thousand five hundred dollars.

For reduction of county debt, a sum not exceeding twenty-seven thousand two hundred forty-four dollars and four cents.

For salaries of county officers and assistants, fixed by



County tax,  
Plymouth.

law, a sum not exceeding eleven thousand seven hundred dollars.

For clerical assistance in county offices, a sum not exceeding seven thousand three hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-one thousand five hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-one thousand dollars.

For criminal costs in the superior court, a sum not exceeding eighteen thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding ten thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding four hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding three thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding one thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding four thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding four thousand five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding eight thousand dollars.

For truant schools, a sum not exceeding two thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand nine hundred sixty-four dollars and twenty-three cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and thirty-nine thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 27, 1909.*

RESOLVE TO PROVIDE FOR AN INVESTIGATION AND A REPORT *Chap. 66*  
 BY THE TAX COMMISSIONER OF THE EXEMPTION FROM  
 TAXATION OF PROPERTY OF EDUCATIONAL AND PUBLIC  
 INSTITUTIONS.

*Resolved*, That the tax commissioner be directed to investigate the subject of the exemption from taxation of the property of educational and public institutions in respect to the financial condition of the cities and towns in which such institutions are situated, and to inform the next general court whether, in his opinion, any undue burdens are imposed upon such cities and towns by the said exemption, and what legislation, if any, would be expedient in the premises. For the purposes aforesaid, he may require the attendance of witnesses and the production of books and documents, may examine persons under oath, and may incur any necessary expenses, which shall be paid from the treasury of the commonwealth.

Report on  
 exemption  
 from taxation  
 of certain  
 property.

*Approved April 27, 1909.*

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF *Chap. 67*  
 HAMPDEN.

*Resolved*, That the following sums are hereby appropriated for the expenses of the county of Hampden for the year nineteen hundred and nine:—

County tax,  
 Hampden.

For interest on county debt, a sum not exceeding twelve thousand dollars.

For reduction of county debt, a sum not exceeding twenty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding eighteen thousand dollars.

For clerical assistance in county offices, a sum not exceeding ten thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-six thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirty-five thousand dollars.

For criminal costs in the superior court, a sum not exceeding ten thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding fifteen thousand dollars.

County tax,  
Hampden.

For trial justices, a sum not exceeding five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding five hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding six thousand dollars.

For auditors, masters and referees, a sum not exceeding four thousand dollars.

For building county buildings, a sum not exceeding six thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding twenty-five thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for the care of the same, a sum not exceeding thirteen thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding ten thousand dollars.

For law libraries, a sum not exceeding two thousand five hundred dollars.

For truant schools, a sum not exceeding seven thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding seven thousand five hundred thirty-five dollars and nineteen cents.

For the care and maintenance of the Mount Tom state reservation, a sum not exceeding four thousand two hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and eighty-four thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 29, 1909.*

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*Chap. 68* RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPSHIRE.

County tax,  
Hampshire.

*Resolved,* That the following sums are hereby appropriated for the expenses of the county of Hampshire for the year nineteen hundred and nine:—

For salaries of county officers and assistants, fixed by law, a sum not exceeding nine thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding four thousand dollars. County tax, Hampshire.

For salaries and expenses of district and police courts, a sum not exceeding twelve thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding fifteen thousand dollars.

For criminal costs in the superior court, a sum not exceeding five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding five thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two thousand dollars.

For auditors, masters and referees, a sum not exceeding five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding four thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding five thousand five hundred dollars.

For highways, bridges and land damages, a sum not exceeding sixteen thousand dollars.

For law libraries, a sum not exceeding one thousand two hundred dollars.

For truant schools, a sum not exceeding five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding three thousand five hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of sixty-two thousand seven hundred nineteen dollars and nine cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 29, 1909.*

*Chap. 69* RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF WORCESTER.

County tax,  
Worcester.

*Resolved*, That the following sums are hereby appropriated for the expenses of the county of Worcester for the year nineteen hundred and nine: —

For interest on county debt, a sum not exceeding five thousand dollars.

For reduction of county debt, a sum not exceeding forty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-six thousand dollars.

For clerical assistance in county offices, a sum not exceeding thirty-eight thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding fifty-six thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding fifty-two thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-six thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-four thousand dollars.

For trial justices, a sum not exceeding two thousand five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding eight hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding ten thousand dollars.

For auditors, masters and referees, a sum not exceeding six thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding seven thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty-five thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding twenty-eight thousand dollars.

For truant schools, a sum not exceeding ten thousand dollars.

For miscellaneous and contingent expenses of the cur-



rent year, a sum not exceeding fourteen thousand three hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 29, 1909.*

RESOLVE RELATIVE TO THE MOUNT SUGAR LOAF STATE RESERVATION. *Chap. 70*

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth to the county commissioners of the county of Franklin, acting as the Mount Sugar Loaf State Reservation Commission, the sum of eight hundred and twenty-nine dollars, to be expended by said commission in carrying out the purposes of chapter five hundred and forty-one of the acts of the year nineteen hundred and seven, in addition to the amount heretofore authorized to be paid out of the treasury of the commonwealth for the same purpose.

Mount Sugar  
Loaf State  
Reservation.

*Approved April 29, 1909.*

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BRISTOL. *Chap. 71*

*Resolved,* That the following sums are hereby appropriated for the expenses of the county of Bristol for the year nineteen hundred and nine: —

County tax,  
Bristol.

For interest on county debt, a sum not exceeding sixty-eight thousand dollars.

For reduction of county debt, a sum not exceeding forty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-four thousand dollars.

For clerical assistance in county offices, a sum not exceeding fifteen thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding thirty-three thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding ninety-seven thousand dollars.

County tax,  
Bristol.

For criminal costs in the superior court, a sum not exceeding twenty-two thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-five thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding seven hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding seven thousand dollars.

For auditors, masters and referees, a sum not exceeding one thousand two hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding fifteen thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty-four thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding ten thousand dollars.

For law libraries, a sum not exceeding five thousand dollars.

For truant schools, a sum not exceeding eight thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred and fifteen thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved May 3, 1909.*

## Chap. 72

Treatment of  
rabies.

### RESOLVE RELATIVE TO THE TREATMENT OF RABIES.

*Resolved*, That the state board of health shall cause suitable provision to be made for the treatment of rabies in man by appropriate remedies, and shall report to the next general court, on or before the tenth day of January, as to the expense and advisability of preparing these remedies under the direction of the state board of health.

*Approved May 3, 1909.*

RESOLVE TO PROVIDE FOR ADDITIONAL EQUIPMENT FOR THE *Chap. 73*  
BRADFORD DURFEE TEXTILE SCHOOL OF FALL RIVER.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to the trustees of The Bradford Durfee Textile School of Fall River the sum of ten thousand dollars, of which amount forty-six hundred dollars shall be for equipment for the department of mechanism, including a machine shop and tools; nine hundred and fifty dollars for the department of steam engineering; fifteen hundred dollars for the electrical department; seven hundred and fifty dollars for the weaving department; four hundred dollars for the department of mechanical drawing; and eighteen hundred dollars for additional equipment for the new building at the school, including partitions, lockers, and moving machinery.

Bradford  
Durfee Textile  
School of  
Fall River.

*Approved May 4, 1909.*

RESOLVE IN FAVOR OF THE BRADFORD DURFEE TEXTILE *Chap. 74*  
SCHOOL OF FALL RIVER.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to the trustees of The Bradford Durfee Textile School the sum of twenty-five thousand dollars, to be applied to the purposes of the school: *provided*, that no part of this sum shall be paid until satisfactory evidence is furnished to the auditor of accounts that an additional sum of six thousand dollars has been paid to said trustees by the city of Fall River or has been received by them from other sources. The city of Fall River is hereby authorized to raise by taxation and pay to said trustees such sum of money, not exceeding six thousand dollars, as may be necessary together with that received from other sources to obtain the amount provided for by this resolve.

Same subject.

Proviso.

*Approved May 4, 1909.*

RESOLVE IN FAVOR OF THE LOWELL TEXTILE SCHOOL. *Chap. 75*

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to the trustees of the Lowell textile school the sum of thirty-five thousand dollars, to be applied to the purposes of the school: *provided*, that no part of this sum shall be paid until satisfactory evidence

Lowell textile  
school.

Proviso.

is furnished to the auditor of the commonwealth that an additional sum of eight thousand dollars has been paid to said trustees by the city of Lowell or has been received by them from other sources. The city of Lowell is hereby authorized to raise by taxation and pay to said trustees such sum of money, not exceeding eight thousand dollars, as may be necessary together with that received from other sources to obtain the amount provided for by this resolve.

*Approved May 7, 1909.*

**Chap. 76**

RESOLVE IN FAVOR OF THOMAS GAVIN.

Thomas Gavin.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding two hundred dollars, to Thomas Gavin, a member of battery M, now the twelfth company in the coast artillery corps, in full compensation for injuries received by him while in service at Fort Rodman on the twentieth day of July in the year nineteen hundred and four.

*Approved May 7, 1909.*

**Chap. 77**

RESOLVE TO PROVIDE FOR IMPROVEMENTS AT THE MASSACHUSETTS STATE SANATORIUM.

Massachusetts state sanatorium.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth for improvements at the Massachusetts state sanatorium at Rutland, to be expended under the direction of the trustees thereof, the following amounts:—For constructing and furnishing a nurses' home, a sum not exceeding fifteen thousand dollars; for additional piazzas, a sum not exceeding two thousand dollars; for enlarging the hennery, a sum not exceeding one thousand dollars; and for the purchase of cows, a sum not exceeding fourteen hundred dollars.

*Approved May 7, 1909.*

**Chap. 78**

RESOLVE TO PROVIDE FOR A STUDY OF THE TRAFFIC AND METHODS OF ACCOUNTING OF THE NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY.

New England Telephone and Telegraph Company.

*Resolved*, That the Massachusetts highway commission is hereby directed to cause to be made a further study of the operations and methods of accounting of the New England Telephone and Telegraph Company, especially that

part of its operations which are within the commonwealth. Vouchers for expenses incurred under the provisions of this resolve shall be filed with the auditor of the commonwealth and paid out of the treasury of the commonwealth in the same manner in which other claims are paid, and the auditor shall certify each month the amount of said expenses to the treasurer and receiver general, who shall collect the same monthly from the New England Telephone and Telegraph Company. The total expense incurred under this resolve shall not exceed the sum of thirty-five thousand dollars. *Approved May 7, 1909.*

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE WESTBOROUGH INSANE HOSPITAL. *Chap. 79*

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth for the Westborough insane hospital, to be expended under the direction of the trustees thereof, a sum not exceeding sixty thousand dollars for constructing and furnishing a new building for the acute insane; a sum not exceeding four thousand dollars for completing the water service; and a sum not exceeding six hundred dollars for enlarging the morgue. Westborough insane hospital.

*Approved May 8, 1909.*

RESOLVE TO PROVIDE FOR IMPROVEMENTS IN WATER AND SEWERAGE AT THE MEDFIELD INSANE ASYLUM. *Chap. 80*

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth for improving and extending the sewerage beds at the Medfield insane asylum, to be expended under the direction of the trustees thereof, a sum not exceeding twelve thousand dollars, and for completing the investigation as to the water supply of the said institution, a sum not exceeding two thousand dollars. Medfield insane asylum.

*Approved May 8, 1909.*

RESOLVE TO PROVIDE FOR COMPLETING THE SEWERAGE SYSTEM AT THE TAUNTON INSANE HOSPITAL. *Chap. 81*

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding six thousand eight hundred dollars, for completing the sewerage system at the Taunton insane hospital and for con- Taunton insane hospital.



necting the same with the sewerage system of the city of Taunton, this sum to be expended under the direction of the trustees of the hospital. *Approved May 8, 1909.*

**Chap. 82** RESOLVE TO PROVIDE FOR PRINTING THE ADDRESS OF THE HONORABLE HERBERT PARKER ON THE OCCASION OF THE DEDICATION OF THE STATUE OF MAJOR GENERAL NATHANIEL PRENTISS BANKS.

Printing  
address at the  
dedication  
of the statue  
of Major  
General Banks.

*Resolved*, That there be printed, under the direction of the governor and council, three thousand copies of the address delivered by the Honorable Herbert Parker in the chamber of the house of representatives on September sixteenth, nineteen hundred and eight, at the dedication of the statue of Major General Nathaniel Prentiss Banks, which statue was provided for by chapter seventy-nine of the resolves of the year eighteen hundred and ninety-seven. The document shall contain a portrait of General Banks, a picture of the statue, a portrait of the Honorable Herbert Parker and such other pictures as may be decided upon, together with a report of the proceedings incident to the erection, unveiling and dedication of said statue, and two copies thereof shall be distributed to each member, clerk and assistant clerk of the senate and house of representatives; two copies to each legislative reporter; fifty copies to the executive department; twenty copies to the state library; one copy to each of the public libraries of the commonwealth; and the remaining copies shall be distributed under the direction of the secretary of the commonwealth. The expense attending the same is to be paid out of the appropriation authorized by the provisions of chapter two hundred and ninety-one of the acts of the year nineteen hundred if sufficient for the purpose, otherwise from the treasury of the commonwealth.

*Approved May 13, 1909.*

**Chap. 83** RESOLVE TO PROVIDE FOR AN INVESTIGATION AS TO THE ADVISABILITY OF REMOVING THE INSANE FROM THE STATE HOSPITAL.

Removal of  
insane from  
the state  
hospital.

*Resolved*, That the state board of insanity be directed to investigate and report to the next general court, not later than January fifteenth, as to the advisability of the removal of the insane from the state hospital.

*Approved May 13, 1909.*

RESOLVE TO PROVIDE FOR AN INVESTIGATION AS TO THE  
NEED OF LICENSING PRIVATE HOSPITALS, SANATORIUMS,  
DISPENSARIES AND CLINICS. *Chap. 84*

*Resolved*, That the state board of charity shall make an investigation as to the need of licensing private hospitals, sanatoriums, dispensaries and clinics, and shall include in its next annual report a statement of the results of such investigation, with its suggestions and recommendations.

Licensing of  
private hos-  
pitals, etc.

*Approved May 14, 1909.*

RESOLVE TO PROVIDE FOR AN INVESTIGATION AND REPORT  
BY THE BOARD OF RAILROAD COMMISSIONERS AND THE  
BOSTON TRANSIT COMMISSION, SITTING JOINTLY, AS TO  
CERTAIN MATTERS RELATIVE TO THE WEST END STREET  
RAILWAY COMPANY AND THE BOSTON ELEVATED RAILWAY  
COMPANY. *Chap. 85*

*Resolved*, That the board of railroad commissioners and the Boston transit commission, sitting jointly, be requested to investigate and report to the general court on or before the second Saturday of January, nineteen hundred and ten, whether or not in their opinion it is advisable, expedient, and in the public interest:—

West End  
Street Railway  
Company and  
the Boston  
Elevated Rail-  
way Company.

(First.) To amend chapter five hundred and fifty-one of the acts of the year nineteen hundred and eight by providing for a distribution of any of the assets of the West End Street Railway Company among its stockholders, or by changing the terms and conditions of the first and second preferred stock to be issued by the Boston Elevated Railway Company, and if so, in what manner and to what extent;

(Second.) To authorize the Boston Elevated Railway Company to acquire and hold the stock and securities of other street railway companies, elevated railroads or electric railroads, and if so, under what conditions and limitations;

(Third.) To authorize the Boston Elevated Railway Company to extend its elevated railroad from Sullivan square to the city of Medford, and if so, under what conditions and limitations.

*Approved May 14, 1909.*

**Chap. 86**Susanna  
Carney.

## RESOLVE IN FAVOR OF SUSANNA CARNEY.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to Susanna Carney, widow of William H. Carney of New Bedford, who was a messenger in the department of the secretary of the commonwealth, and who on the twenty-third day of November, nineteen hundred and eight, received injuries on one of the elevators at the state house from the effects of which he died on the ninth day of December following, an annuity of one hundred and eighty dollars for the rest of her life. The annuity shall begin on the first day of March, nineteen hundred and nine, and shall be payable in equal quarterly instalments. *Approved May 14, 1909.*

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**Chap. 87** RESOLVE IN FAVOR OF THE WIDOW AND CHILD OF WILLIAM MATEER.Widow and  
child of Wil-  
liam Mateer.

*Resolved*, That there be allowed and paid out of the Metropolitan Parks Maintenance Fund an annuity of three hundred dollars to Ella P. Mateer and Esther W. Mateer, widow and child of the late William Mateer of Boston, metropolitan park police officer, said Mateer having been drowned while in the performance of his duty at Ponkapoag pond, Canton, on the tenth day of January, nineteen hundred and nine, the annuity to begin on the first day of March, nineteen hundred and nine, and to be paid in equal quarterly instalments. Should the said Ella P. Mateer remarry or die, the annuity aforesaid shall be paid to her child Esther W. Mateer, until she reaches the age of sixteen years. *Approved May 14, 1909.*

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**Chap. 88** RESOLVE IN FAVOR OF THE FIRM OF FARRELL AND CONATON.Farrell and  
Conaton.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth from the ordinary revenue, a sum not exceeding seventy-nine dollars and seventy-two cents, to the firm of Farrell and Conaton of Lowell, for repairs made by them in the armory at Lowell.

*Approved May 14, 1909.*

RESOLVE TO CONFIRM CERTAIN ACTS OF THE TOWN OF DUNSTABLE. *Chap. 89*

*Resolved*, That the acts of the town meetings of the town of Dunstable held in the years nineteen hundred and seven, nineteen hundred and eight and nineteen hundred and nine are hereby confirmed, to the same extent as if the warrant for the said meetings had called for ten days' notice instead of seven. *Approved May 14, 1909.*

Town of  
Dunstable.

RESOLVE TO AUTHORIZE THE CONVEYANCE OF CERTAIN LAND TO THE PERKINS INSTITUTION AND MASSACHUSETTS SCHOOL FOR THE BLIND. *Chap. 90*

*Resolved*, That the treasurer and receiver general of the commonwealth is hereby authorized and directed to convey to the Perkins Institution and Massachusetts School for the Blind the land which was conveyed to the commonwealth in compliance with the provisions of chapter seventy-one of the resolves of the year eighteen hundred and sixty-nine by deeds dated, respectively, November four, eighteen hundred and sixty-nine, and June four, eighteen hundred and seventy, and recorded with Suffolk deeds, in book 986, page 238; and in book 1005, page 208. *Approved May 15, 1909.*

Perkins  
Institution  
and Massa-  
chusetts  
School for the  
Blind.

RESOLVES IN FAVOR OF THE NEW BEDFORD TEXTILE SCHOOL. *Chap. 91*

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth the sum of eighteen thousand dollars, to be expended by the trustees of the New Bedford textile school for the purposes of the school: *provided*, that no part of this sum shall be paid until satisfactory evidence has been furnished to the auditor of the commonwealth that an additional sum of seven thousand dollars has been paid to the said trustees by the city of New Bedford or has been received by them from other sources. The city of New Bedford is hereby authorized to raise by taxation and pay to said trustees such sum of money, not exceeding seven thousand dollars, as may be necessary to secure the amount provided for by this resolve.

New Bedford  
textile school.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to the aforesaid trustees a

further sum of twenty-nine thousand dollars, to be expended by the trustees of the said school as follows:—  
For additional accommodations, twenty-one thousand dollars; and for the extension of present power plant, eight thousand dollars.

*Approved May 17, 1909.*

- Chap. 92** RESOLVE TO PROVIDE FOR FURNISHING THE MANUAL ARTS BUILDING, AND FOR OTHER IMPROVEMENTS, AT THE STATE NORMAL SCHOOL AT FITCHBURG.

Normal school  
at Fitchburg.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding seven-teen thousand five hundred dollars, to be expended under the direction of the state board of education for grading, for sidewalks, and for certain other improvements at the state normal school at Fitchburg, and for furnishing and equipping the manual arts building, constructed in pursuance of chapter ninety-six of the resolves of the year nineteen hundred and eight. *Approved May 17, 1909.*

- Chap. 93** RESOLVE TO PROVIDE FOR A SURVEY OF THE ENTRANCE TO PENIKESSE ISLAND.

Survey of  
entrance to  
Penikese  
island.

*Resolved*, That the board of harbor and land commissioners is hereby authorized and directed to make a survey of the entrance to Penikese island and to report to the next general court with an estimate of the cost of dredging a channel not less than one hundred and fifty feet wide and twelve feet deep at mean low water from the wharf recently constructed, to the channel between Cuttyhunk and Penikese islands. The board may expend for the purposes of this resolve a sum not exceeding three hundred dollars.

*Approved May 17, 1909.*

- Chap. 94** RESOLVE TO PROVIDE FOR AN INVESTIGATION AS TO THE ADVISABILITY OF CONSTRUCTING ADDITIONAL SUBWAYS, TUNNELS AND ELEVATED STRUCTURES IN THE CITY OF BOSTON.

Additional  
subways, tun-  
nels, etc.,  
in Boston.

*Resolved*, That the board of railroad commissioners and the Boston transit commission, sitting jointly, be requested to investigate and report to the general court on or before the second Saturday of January, nineteen hundred and ten, whether or not, in their opinion, it is advisable, ex-



pedient and for the public interest, to grant any or all of the following petitions for legislation, namely: petition of Charles A. Ufford, with accompanying bill, No. 1288; petition of Thomas H. Dowd, with accompanying bill, No. 1247; petition of Michael J. Reidy, with accompanying bill, No. 1030; petition of Harry H. Ham, with accompanying bill, No. 1028; petition of Pierce J. Grace, with accompanying bill, No. 1026; petition of Malcolm E. Nichols, with accompanying bill, No. 659; petition of Pierce J. Grace, with accompanying bill, No. 1025; petition of Houghton and Dutton, with accompanying bill, No. 653; petition of William M. Robinson, with accompanying bill, No. 520; petition of Edward P. Barry, with accompanying bill, No. 339; petition of John J. Hayes, with accompanying bill, No. 196; petition of William J. Paul, with accompanying bill, No. 236; and under what conditions and restrictions, if any, and in what form such petitions should be granted, and if any legislation is recommended said joint board is requested to submit with its report a draft of an act or acts embodying the legislation recommended.

*Approved May 19, 1909.*

RESOLVE TO AUTHORIZE THE PAYMENT OF AN ANNUITY TO  
BERTHA M. GUENTHER.

*Chap. 95*

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth to Bertha M. Guenther of Dracut, from and after the first day of January in the year nineteen hundred and nine, an annuity of one hundred and eighty dollars for the term of ten years, payable in equal quarterly instalments, on account of the death of her husband, occasioned by a wound from a rifle bullet fired by a member of the militia of the commonwealth while engaged in target shooting in the town of Dracut, in June, nineteen hundred and one.

Bertha M.  
Guenther.

*Approved May 19, 1909.*

RESOLVE IN FAVOR OF JOHN T. LYNCH.

*Chap. 96*

*Resolved,* That there be allowed and paid out of the Charles River Basin Loan Fund, to John T. Lynch of Cambridge, the sum of five hundred dollars, in full compensation for injuries received by him on the ninth day of June, nineteen hundred and eight, while engaged in

John T.  
Lynch.

the performance of his duty as draw tender on Craigie bridge in the employ of the Charles river basin commission.

*Approved May 21, 1909.*

**Chap. 97** RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE  
MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

Massachusetts  
school  
for epileptics.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding five thousand dollars, to be expended at the Massachusetts hospital for epileptics, under the direction of the trustees thereof, for the purpose of making sewer, water and electric connections between the new building and the central plant.

*Approved May 21, 1909.*

**Chap. 98** RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE  
LYMAN SCHOOL FOR BOYS.

Lyman school  
for boys.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding ninety-five hundred and fifty dollars, to be expended at the Lyman school for boys under the direction of the trustees thereof, for the following purposes:— For extending the subway heating system, a sum not exceeding forty-seven hundred and fifty dollars; and for furnishing a new double cottage, a sum not exceeding forty-eight hundred dollars.

*Approved May 21, 1909.*

**Chap. 99** RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE  
MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Massachusetts  
School for  
the Feeble-  
Minded.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding eleven thousand five hundred dollars, to be expended at the Massachusetts School for the Feeble-Minded, under the direction of the trustees thereof, for the following purposes:— For construction of iron stairways and fire escapes at the school in Waltham, a sum not exceeding fifty-five hundred dollars; and for altering, repairing and enlarging buildings and furnishing the same for the accommodation of fifty patients at the Templeton farm colony, a sum not exceeding six thousand dollars.

*Approved May 21, 1909.*

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE  
STATE COLONY FOR THE INSANE. *Chap.100*

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding fifteen thousand dollars, to be expended at the state colony for the insane, under the direction of the trustees thereof, for the following purposes:— For constructing and equipping two industrial buildings, a sum not exceeding ten thousand dollars; for constructing four vegetable cellars, a sum not exceeding four thousand dollars; and for alterations of storehouse, a sum not exceeding one thousand dollars.

State colony  
for the insane.

*Approved May 21, 1909.*

RESOLVE TO PROVIDE FOR IMPROVEMENTS AT THE WRENTHAM STATE SCHOOL. *Chap.101*

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth, to be expended under the direction of the trustees of the Wrentham state school for improvements at the said institution, the following sums:— For building and equipping a laundry, a sum not exceeding sixteen thousand dollars; for water supply, a sum not exceeding eight thousand two hundred dollars; and for alterations in the Stewart house, so-called, a sum not exceeding two thousand dollars.

Wrentham  
state school.

*Approved May 21, 1909.*

RESOLVE TO CONFIRM THE ACTS OF THOMAS H. RATIGAN  
AS A JUSTICE OF THE PEACE. *Chap.102*

*Resolved*, That the acts of Thomas H. Ratigan as a justice of the peace, between the sixteenth day of January, nineteen hundred and eight, and the eighteenth day of April, nineteen hundred and nine, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

Acts of  
Thomas H.  
Ratigan,  
justice of the  
peace,  
confirmed.

*Approved May 21, 1909.*

RESOLVE TO CONFIRM THE ACTS OF EDWARD A. MCMASTER  
AS A JUSTICE OF THE PEACE. *Chap.103*

*Resolved*, That the acts of Edward A. McMaster of Bridgewater as a justice of the peace, between the twelfth

Acts of  
Edward A.  
McMaster,  
justice of the

peace, confirmed.

day of March and the twenty-third day of April in the year nineteen hundred and nine, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

*Approved May 21, 1909.*

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**Chap.104** RESOLVE TO CONFIRM THE ACTS OF FREDERICK G. ROBERTS AS A NOTARY PUBLIC.

Acts of Frederick G. Roberts, notary public, confirmed.

*Resolved,* That the acts of Frederick G. Roberts as a notary public between the twenty-ninth day of May in the year nineteen hundred and eight and the thirtieth day of April in the year nineteen hundred and nine, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

*Approved May 21, 1909.*

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**Chap.105** RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Improvements at the state industrial school for girls.

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding twenty-three hundred dollars, to be expended at the state industrial school for girls, under the direction of the trustees thereof, for improving the telephone system, and for furnishing a chapel, two rooms in the new cottage, and the new office; and a sum not exceeding thirty-one thousand five hundred dollars for building and furnishing a dormitory, complete, to hold thirty inmates.

*Approved May 24, 1909.*

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**Chap.106** RESOLVE TO PROVIDE FOR IMPROVING THE SEWERAGE SYSTEM AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Sewerage system at the state industrial school for girls.

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding six thousand dollars, to be expended by the trustees of the Lyman and industrial schools for improving the system of sewage disposal at the state industrial school for girls.

*Approved May 24, 1909.*

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**Chap.107** RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE HOSPITAL.

State hospital.

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth, to be expended at the state

hospital at Tewksbury, under the direction of the trustees thereof, a sum not exceeding forty-five thousand dollars, for the following purposes:— For the enlargement of the laundry, a sum not exceeding eight thousand dollars; for the enlargement of the filter bed, a sum not exceeding two thousand dollars; and for additions to the heating and lighting plant, and for furnishing certain new buildings, a sum not exceeding thirty-five thousand dollars.

*Approved May 24, 1909.*

RESOLVE TO PROVIDE FOR AN INVESTIGATION AS TO THE ADVISABILITY OF MAKING A PART OF WASHINGTON STREET IN THE CITY OF BOSTON A STATE HIGHWAY.

*Chap. 108*

*Resolved*, That the Massachusetts highway commission is hereby authorized to investigate and report to the general court not later than January fifteen in the year nineteen hundred and ten, as to the advisability and probable expense to the commonwealth of taking, constructing and maintaining as a state highway, at a width of not less than seventy feet, Washington street in that part of Boston called West Roxbury, from Lagrange street to Metropolitan avenue.

Laying out of a part of Washington street in Boston as a state highway.

*Approved May 24, 1909.*

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AND FOR THE PURCHASE OF LAND AND THE ERECTION OF BUILDINGS AT THE MASSACHUSETTS AGRICULTURAL COLLEGE.

*Chap. 109*

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth the sum of one hundred and twenty-eight thousand five hundred dollars, to be expended at the Massachusetts Agricultural College, under the direction of the trustees thereof, for the following purposes:— For teaching and office equipment in the various departments of the college, a sum not exceeding ten thousand dollars; for repairs and improvements of buildings and other college property, including the extension of the heating plant, a sum not exceeding thirty-three thousand dollars; for the purchase of land to be used as an athletic field and for other college purposes, a sum not exceeding fifty-five hundred dollars; and for the erection of a fire-proof building for the department of zoölogy and entomology, a sum not exceeding eighty thousand dollars.

Massachusetts Agricultural College.

*Approved May 24, 1909.*



*Chap.*110 RESOLVE TO PROVIDE FOR AN INVESTIGATION AS TO THE ADVISABILITY OF AUTHORIZING THE BOSTON AND EASTERN ELECTRIC RAILROAD COMPANY TO CONSTRUCT A TUNNEL AND SUBWAYS IN THE CITY OF BOSTON.

Boston and  
Eastern  
Electric Rail-  
road Company.

*Resolved*, That the board of railroad commissioners and the Boston transit commission, sitting jointly, is hereby requested to investigate and report to the general court on or before the second Saturday of January, nineteen hundred and ten, whether or not, in their opinion, it is advisable, expedient and in the public interest to grant the following petition for legislation, namely: the petition of Melville Woodbury and others with accompanying bill, House, No. 1094, and under what conditions and restrictions, if any, and in what form said petition should be granted; and, if any legislation is recommended by said joint board, the board is requested to submit with its report a draft of an act or acts embodying the same.

*Approved May 24, 1909.*

*Chap.*111 RESOLVE TO PROVIDE FOR AN INVESTIGATION AND A REPORT IN REGARD TO THE TREATMENT OF INEBRIATES IN MASSACHUSETTS.

Treatment of  
inebriates.

*Resolved*, That the trustees of the Foxborough state hospital are hereby authorized and requested to investigate the subject of the treatment of drunkenness in Massachusetts, including the classification of inebriates, the proper equipment for their treatment, the subsequent care of discharged patients and inmates, and the opportunity for the co-operation of private citizens; and to report thereon to the general court on or before the second Wednesday of January next, with such recommendations as they may deem expedient. Said trustees may expend out of the appropriation for the maintenance of the Foxborough state hospital for the year nineteen hundred and nine such sum as may be necessary for making the said investigation and as will not interfere with the proper maintenance of the hospital.

*Approved May 26, 1909.*

RESOLVE TO PROVIDE FOR AN INVESTIGATION BY THE BOARD OF EDUCATION IN REGARD TO THE ESTABLISHMENT OF A PROPOSED MASSACHUSETTS COLLEGE. *Chap. 112*

*Resolved*, That the board of education is hereby instructed to investigate the advisability of establishing an educational corporation for the purposes set forth in the bill printed as House, No. 737 of the current year, and to report the result of its investigation to the general court not later than the second Wednesday of January next, with such recommendations as the board may deem advisable.

Proposed  
educational  
corporation,  
etc.

*Approved May 26, 1909.*

RESOLVE TO PROVIDE FOR AN INVESTIGATION AND REPORT RELATIVE TO PUBLIC IMPROVEMENTS FOR THE METROPOLITAN DISTRICT. *Chap. 113*

*Resolved*, That the members of the board of railroad commissioners, the board of harbor and land commissioners, the Boston transit commission and the metropolitan park commission are hereby instructed to sit together as a joint board for the purposes specified in chapter one hundred and eight of the resolves of the year nineteen hundred and seven, and the report transmitted to the general court under the terms of said resolve is referred to said joint board for its consideration. The members of the joint board shall serve without compensation other than their official salaries, but the joint board may expend such sums of money as may be approved by the governor and council, and the expenses so incurred shall be assessed upon the metropolitan parks district. Reports may be made by the joint board to the general court from time to time. A preliminary report shall be made to the general court on or before the first day of January, nineteen hundred and ten, informing the general court whether or not any immediate action by it is necessary or desirable, and if any action or legislation is recommended, a bill or bills shall be submitted embodying such recommendations. A final report shall be made by the joint board to the general court on or before the first day of January, nineteen hundred and eleven, said report to be accompanied by a bill or bills embodying any further recommendations which may be made.

Public im-  
provements  
for the  
metropolitan  
district.

*Approved May 28, 1909.*

**Chap.114** RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE  
STATE FARM.

State farm.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding sixty-five hundred dollars, to be expended at the state farm under the direction of the trustees thereof, for the following purposes:— For a cold storage building, a sum not exceeding five thousand dollars, and for a silo and milk cooler, a sum not exceeding fifteen hundred dollars.

*Approved May 28, 1909.*

**Chap.115** RESOLVE PROVIDING FOR A COMMISSION TO INVESTIGATE  
THE CAUSES OF DELAY IN THE ADMINISTRATION OF JUSTICE  
IN CIVIL ACTIONS.

Administra-  
tion of justice  
in civil actions,  
etc.

*Resolved*, That the governor, with the advice and consent of the council, is hereby authorized and requested to appoint a commission, consisting of three persons, one of whom he shall designate as chairman, and one of whom shall be a justice of the superior court, for the purposes hereinafter named. Said commission shall investigate the causes of delay in the administration of justice in civil actions in the courts of the commonwealth, the advisability of constituting new courts and of enlarging or otherwise altering the jurisdiction and powers of existing courts, the expediency of permitting the examination of parties and witnesses at an early stage of judicial proceedings, and any other matters relevant to securing a more speedy administration of justice in civil actions. The members of the commission shall serve without compensation, but the commission may incur such expense, not exceeding twenty-five hundred dollars, for clerical assistance or otherwise as it may deem necessary. The commission shall report the result of its investigation with its recommendations, to the general court, on or before the tenth day of January next.

*(The foregoing was laid before the Governor on the twenty-fifth day of May, 1909, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)*

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE  
WORCESTER INSANE ASYLUM. *Chap.116*

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding thirty-five hundred dollars, to be expended at the Worcester insane asylum under the direction of the trustees thereof, for the purpose of finishing and furnishing rooms for employees in existing buildings, and for repairing barns and constructing two waiting stations.

Worcester  
insane asylum.

*Approved June 3, 1909.*

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE  
FOXBOROUGH STATE HOSPITAL. *Chap.117*

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding five thousand dollars, to be expended under the direction of the trustees of the Foxborough state hospital for the purpose of purchasing and installing at the hospital a refrigerating and ice-making plant.

Foxborough  
state hospital.

*Approved June 3, 1909.*

RESOLVE TO AUTHORIZE THE STATE BOARD OF HEALTH  
TO INVESTIGATE THE SLAUGHTERING OF NEAT CATTLE,  
SHEEP AND SWINE. *Chap.118*

*Resolved*, That the state board of health is hereby authorized and directed to investigate the methods and circumstances of the slaughtering of neat cattle, sheep and swine and the inspection of the products thereof, and the operation of chapter five hundred and thirty-seven of the acts of the year nineteen hundred and seven and the acts in amendment thereof and in addition thereto, and to report the result of its investigation to the general court on or before January fifteenth next, with such recommendations as the board may deem advisable.

Slaughtering  
of cattle, etc.

*Approved June 3, 1909.*

*Chap.119* RESOLVE TO PROVIDE FOR PRINTING THE ADDRESS OF THE HONORABLE JOHN W. WEEKS ON THE OCCASION OF THE DEDICATION OF THE STATUE OF REAR ADMIRAL JOHN ANCRUM WINSLOW.

Printing the address at the dedication of the statue of Rear Admiral Winslow.

*Resolved*, That there be printed, under the direction of the governor and council, two thousand copies of the address delivered by the Honorable John W. Weeks in the chamber of the house of representatives on May eighth, nineteen hundred and nine, at the dedication of a full length statue in bas-relief of the late Rear Admiral John Ancrum Winslow, which statue was provided for by chapter sixty-three of the resolves of the year nineteen hundred and eight. The document shall contain a portrait of Rear Admiral Winslow, a picture of the statue, a portrait of the Honorable John W. Weeks and such other pictures as may be decided upon, together with a report of the proceedings incident to the erection and dedication of the statue, and two copies thereof shall be distributed to each member, clerk and assistant clerk of the senate and house of representatives; two copies to each legislative reporter; fifty copies to the executive department; twenty copies to the state library; one copy to each of the public libraries of the commonwealth; and the remaining copies shall be distributed under the direction of the secretary of the commonwealth. The expense of the said publication shall be paid out of the appropriation authorized by the provisions of chapter sixty-three of the resolves of the year nineteen hundred and eight.

*Approved June 9, 1909.*

*Chap.120* RESOLVE RELATIVE TO THE IMPROVEMENT OF HUMMAROCK BEACH IN THE TOWN OF SCITUATE AND BUCK'S CREEK IN THE TOWN OF CHATHAM.

Towns of Scituate and Chatham.

*Resolved*, That the board of harbor and land commissioners is hereby directed to investigate the practicability and cost of building a sea wall at Hummarock beach in the town of Scituate and of dredging the mouth of Buck's creek in the town of Chatham and the approaches thereto from Vineyard Sound and of extending and otherwise improving the jetties therein; and for the aforesaid purposes



the board may expend a total sum not exceeding five hundred dollars. The board is requested to report to the next general court not later than January tenth, nineteen hundred and ten.

*Approved June 15, 1909.*

RESOLVE TO PROVIDE FOR AN INVESTIGATION OF THE COST OF PROPAGATING FRESH WATER FOOD AND GAME FISH AND USEFUL GAME BIRDS AND MAMMALS.

*Chap.121*

*Resolved,* That the commissioners on fisheries and game are hereby authorized to procure preliminary plans, general specifications and estimates as to the probable cost of purchasing land, constructing ponds, erecting and equipping buildings and providing apparatus suitable for the propagation and investigation of fresh water food and game fish, and for the propagation of useful game birds and mammals, and also to estimate the proper output from and the annual cost of maintaining such a station, and to report their findings and recommendations to the general court not later than January fifteenth in the year nineteen hundred and ten.

*Approved June 15, 1909.*

Propagation  
fresh water  
food and  
game fish, etc.

RESOLVE TO PROVIDE FOR THE IMPROVEMENT OF ANNISQUAM RIVER IN THE CITY OF GLOUCESTER.

*Chap.122*

*Resolved,* That the board of harbor and land commissioners is hereby directed to dredge the channel of Annisquam river in the city of Gloucester, and to make such improvements as may be necessary to prevent the earth on the banks of the river from falling or washing into the river; and for this purpose the board may expend a sum not exceeding seven thousand five hundred dollars.

*Approved June 16, 1909.*

Annisquam  
river in  
Gloucester.

RESOLVE TO PROVIDE FOR EXTENDING AND COMPLETING THE IMPROVEMENT OF THE CHANNEL OF BASS RIVER BETWEEN THE TOWNS OF DENNIS AND YARMOUTH.

*Chap.123*

*Resolved,* That the board of harbor and land commissioners is hereby authorized to expend an additional sum of ten thousand dollars in extending and completing the improvement of the channel of Bass river between the towns of Dennis and Yarmouth, as provided for by chapter

Channel of  
Bass river  
between  
Dennis and  
Yarmouth.

one hundred and thirteen of the resolves of the year nineteen hundred and one and by chapter forty-six of the resolves of the year nineteen hundred and three.

*Approved June 16, 1909.*

**Chap.124** RESOLVE TO PROVIDE FOR THE IMPROVEMENT OF COTUIT HARBOR IN THE TOWN OF BARNSTABLE.

Cotuit harbor  
in Barnstable.

*Resolved*, That the board of harbor and land commissioners is hereby directed to improve the entrance to Cotuit harbor in the town of Barnstable, in such manner as it may deem best, and for this purpose may expend from the treasury of the commonwealth a sum not exceeding ten thousand dollars, in addition to the sum of five thousand dollars authorized by chapter five hundred and forty-six of the acts of the year nineteen hundred and eight.

*Approved June 16, 1909.*

**Chap.125** RESOLVE TO PROVIDE FOR THE DREDGING OF AN ANCHORAGE BASIN IN HINGHAM HARBOR.

Anchorage  
basin in  
Hingham  
harbor.

*Resolved*, That the board of harbor and land commissioners is hereby authorized to expend a sum not exceeding five thousand dollars in dredging an anchorage basin in Hingham harbor, this amount to be in addition to the sum authorized by chapter one hundred and nine of the resolves of the year nineteen hundred and eight. The town of Hingham is hereby authorized to appropriate the sum of three thousand dollars at its annual or any special town meeting, and to raise the same by taxation, said sum to be paid into the treasury of the commonwealth and to be expended under the direction of the board of harbor and land commissioners for the purpose of aiding the commissioners in carrying out the work provided for by this resolve.

*Approved June 16, 1909.*

**Chap.126** RESOLVE RELATIVE TO THE CONSTRUCTION OF BREAKWATERS AND OTHER STRUCTURES TO PROTECT THE TOWN OF CHATHAM FROM DAMAGE BY THE SEA.

Breakwaters,  
etc., in  
Chatham.

*Resolved*, That the board of harbor and land commissioners is hereby authorized and directed to make a survey as to the necessity, advisability and cost of constructing

sea walls, breakwaters or other structures to protect the town of Chatham from encroachments or damage by the sea. The board is hereby directed to report to the next general court, and may incur such necessary expense as shall be approved by the governor and council. If, however, after the said survey is made the board determines that immediate action is required for the protection of said town, it may, before the meeting of the next general court, expend a sum not exceeding fifteen thousand dollars for such structures as it deems necessary.

*Approved June 16, 1909.*

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RESOLVE TO AUTHORIZE THE TRUSTEES OF THE STATE COLONY FOR THE INSANE TO CONVEY CERTAIN LAND TO THE NASHUA RESERVOIR COMPANY.

*Chap. 127*

*Resolved*, That the trustees of the state colony for the insane are authorized to convey to the Nashua Reservoir Company, a corporation under the laws of this commonwealth, a certain parcel of land situated in the town of Westminster, belonging to the commonwealth, purchased for the use of the state colony for the insane under authority of section three of chapter four hundred and fifty-one of the acts of the year nineteen hundred. Said parcel is bounded and described as follows:—Beginning at a stone bound set in the ground at the southeast corner of said parcel and at land of said Nashua Reservoir Company and at other land of the commonwealth, thence running south sixty-seven degrees, thirty minutes west, by land of the commonwealth, five hundred and ninety-two feet to a corner; thence running north fourteen degrees, forty-seven minutes west, by land of the commonwealth, six hundred and sixty-seven and four tenths feet to a corner; thence running north eighty-two degrees, thirty minutes east, by land of the commonwealth, six hundred and ninety-two feet to a corner at land of the said Nashua Reservoir Company; thence running south three degrees, thirty minutes east, by land of the Nashua Reservoir Company, five hundred and ten feet to the point of beginning; containing about ten acres. The said trustees are authorized to accept in exchange for said conveyance such other lands and rights to be deeded by said Nashua Reservoir Company as they may think best to accept. The chairman of said

State colony  
for the insane.

board of trustees is hereby authorized, in behalf of the commonwealth, to execute and deliver a deed of said premises in conformity with this resolve.

*Approved June 16, 1909.*

- Chap.128** RESOLVE TO PROVIDE FOR A COMMISSION TO INVESTIGATE THE ADVISABILITY OF ESTABLISHING A SYSTEM FOR THE DISPOSAL OF SEWAGE FROM THE WORCESTER INSANE HOSPITAL IN THE CITY OF WORCESTER.

Worcester  
insane  
hospital.

*Resolved,* That a commission, consisting of the chairman of the state board of health and two of the other members of said board to be appointed by the chairman, and the board of health of the city of Worcester, is hereby authorized and directed to investigate the advisability of establishing a system for the disposal of sewage from the Worcester insane hospital, in the city of Worcester, and to report the result of its investigation with its recommendations to the next general court, not later than the second Wednesday in January, nineteen hundred and ten. For this purpose the commission may expend a sum not exceeding one thousand dollars.

*Approved June 16, 1909.*

- Chap.129** RESOLVE TO PROVIDE FOR ADDITIONAL FLOOR SPACE IN THE BUILDINGS OF THE LOWELL TEXTILE SCHOOL AND FOR OTHER PURPOSES OF SAID SCHOOL.

Lowell textile  
school.

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth to the trustees of the Lowell textile school the sum of eighteen thousand dollars, of which the sum of fifteen thousand dollars shall be for the construction of an additional story on the Falmouth street building, and the sum of three thousand dollars for additional equipment for the chemistry and dyeing department.

*Approved June 16, 1909.*

- Chap.130** RESOLVE TO PROVIDE FOR IMPROVEMENTS AT THE LEPER HOSPITAL ON PENIKESE ISLAND.

Leper  
hospital.

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth the sum of twelve thousand dollars, for the purpose of extending and remodeling the

buildings at the leper hospital on Penikese island, the same to be expended under the direction of the state board of charity.

*Approved June 18, 1909.*

RESOLVE RELATIVE TO THE IMPROVEMENT OF LOBSTER COVE AND ANNISQUAM RIVER IN THE CITY OF GLOUCESTER. *Chap.131*

*Resolved,* That the board of harbor and land commissioners shall cause a survey to be made of Lobster cove in the city of Gloucester so that a channel may be dredged from the main channel of Annisquam river in the said city to Lobster cove, and shall otherwise improve the said cove and river in such manner as it deems necessary, and for these purposes may expend a sum not exceeding twenty-five hundred dollars.

Lobster cove,  
etc., in  
Gloucester.

*Approved June 18, 1909.*

RESOLVE TO PROVIDE FOR THE COMPLETION OF THE IMPROVEMENT OF THE HARBOR OF CUTTYHUNK IN THE TOWN OF GOSNOLD. *Chap.132*

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth the sum of ten thousand dollars, to be expended under the direction of the board of harbor and land commissioners in completing the improvement of the harbor of Cuttyhunk, in the town of Gosnold, by dredging the channel or in such other manner as said board may deem best. This sum shall be in addition to the amounts heretofore authorized to be expended for said improvement. But no part of the money hereby appropriated shall be expended unless the town of Gosnold shall pay into the treasury of the commonwealth the sum of five thousand dollars and shall secure land for a public landing place on the shores of the said harbor.

Cuttyhunk  
harbor in  
Gosnold.

*Approved June 18, 1909.*

RESOLVE TO PROVIDE FOR DREDGING THE UPPER PART OF WEYMOUTH FORE RIVER. *Chap.133*

*Resolved,* That the board of harbor and land commissioners is hereby directed to dredge the shoals which have formed in the upper part of Weymouth Fore river in the channel excavated by the United States government, in

Weymouth  
Fore river.



accordance with the provisions of chapter one hundred and three of the resolves of the year nineteen hundred and five, whereby the commonwealth agreed to maintain the channel dredged in said river by the United States government. For this purpose the board may expend a sum not exceeding ten thousand dollars.

*Approved June 18, 1909.*

- Chap.134** RESOLVE TO AUTHORIZE AN ADDITIONAL APPROPRIATION FOR THE DREDGING OF A CHANNEL IN BOSTON HARBOR AT ORIENT HEIGHTS.

Channel at  
Orient  
Heights.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth the sum of seven thousand dollars, in addition to the sum authorized by chapter one hundred and nine of the resolves of the year nineteen hundred and seven, to be expended under the direction of the board of harbor and land commissioners in dredging a channel at Orient Heights, East Boston, as described in said chapter.

*Approved June 18, 1909.*

- Chap.135** RESOLVE IN FAVOR OF THE SMITH AGRICULTURAL SCHOOL AND NORTHAMPTON SCHOOL OF TECHNOLOGY.

Smith agri-  
cultural  
school, etc.

Proviso.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to the trustees of the Smith agricultural school and Northampton school of technology, the sum of seven thousand dollars, to be expended by them toward the maintenance of the school: *provided*, that no part of this sum shall be paid until satisfactory evidence has been furnished to the auditor of the commonwealth that an additional sum of three thousand dollars has been paid to said trustees by the city of Northampton. The city of Northampton is hereby authorized to raise by taxation and pay to said trustees the said sum of three thousand dollars.

*Approved June 18, 1909.*

- Chap.136** RESOLVE TO PROVIDE FOR REPAIRING THE BRIDGE OVER PARKER RIVER IN THE TOWN OF NEWBURY, AND FOR AN EXAMINATION OF CERTAIN OTHER LARGE BRIDGES.

Bridge over  
Parker river  
in Newbury,  
etc.

*Resolved*, That the Massachusetts highway commission is hereby directed to make substantial repairs in the Parker river bridge, so-called, on the state highway in

the town of Newbury, and for this purpose the commission may expend a sum not exceeding twenty thousand dollars in addition to all other sums which have been or which may be appropriated for the use of said commission during the year nineteen hundred and nine. The said commission is further directed to investigate the subject of causeways and bridges over lakes or ponds and all bridges over streams in the commonwealth which have a span of fifty feet or more, and which are contiguous to state highways, and on routes likely to become state highways in the near future, and to report the result of its investigation to the next general court not later than the first Wednesday in January. The report shall include brief descriptions of the present bridges and the approaches thereto, with estimates of their cost; statements in reasonable detail concerning their condition and the annual cost of maintaining them as now constructed; estimates, as accurate as may be, of the probable cost of rebuilding and maintaining them during a period of twenty years beginning with the year nineteen hundred and ten; and the report may also contain such recommendations concerning the said bridges as the commission shall deem proper.

Bridge over  
Parker River  
in Newbury,  
etc.

*Approved June 18, 1909.*

RESOLVE IN FAVOR OF JAMES B. ROCKEFELLER.

*Chap.137*

*Resolved,* That there be allowed and paid out of the treasury of the commonwealth to James B. Rockefeller of New Bedford the sum of fifteen dollars for losses sustained and expenses incurred by him on account of injury to a musical instrument owned by him, which occurred during a severe storm at Pine camp, in June, nineteen hundred and eight, while he was in the service of the commonwealth as a member of the regimental band of the sixth regiment.

James B.  
Rockefeller.

*Approved June 18, 1909.*

RESOLVE TO PROVIDE FOR COMPLETING THE IMPROVEMENTS AT WEST FALMOUTH HARBOR.

*Chap.138*

*Resolved,* That the board of harbor and land commissioners is hereby directed to complete the improvements of the harbor at West Falmouth, in accordance with the provisions of chapter five hundred and twelve of the acts

West Fal-  
mouth harbor.

of the year nineteen hundred and seven, and the board may expend for this purpose a sum not exceeding ten thousand dollars, in addition to the sums heretofore appropriated therefor.

*Approved June 18, 1909.*

**Chap.139** RESOLVE TO AUTHORIZE THE PAYMENT OF A SUM OF MONEY  
TO THE NINTH REGIMENT OF THE MILITIA.

Ninth regi-  
ment of the  
militia.

*Resolved*, That there be allowed and paid out of the treasury of the commonwealth to the paymaster of the ninth regiment of the militia such sum, not exceeding twenty-six hundred dollars, as shall be certified to the auditor of the commonwealth by the adjutant general as due to the said regiment in lieu of subsistence which was not furnished to the regiment for its annual tour of duty at the forts in Boston harbor for the year nineteen hundred and eight. The paymaster of the said regiment is authorized to pay into the treasury of the companies of the regiment the several amounts due each company upon a voucher from the commanding officer of the company. The amount hereby appropriated shall be paid from the unexpended balance of the appropriation for compensation of officers and men of the volunteer militia provided for by chapter two hundred and forty-four of the acts of the year nineteen hundred and eight.

*Approved June 18, 1909.*

**Chap.140** RESOLVE TO PROVIDE FOR PRINTING ADDITIONAL COPIES  
OF THE ACT TO REVISE AND CODIFY THE LAWS RELATING  
TO INSANE PERSONS.

Act to revise  
and codify  
the laws  
relating to  
insane persons.

*Resolved*, That there be printed fifteen hundred additional copies of the act to revise and codify the laws relating to insane persons, the said copies to be distributed by the state board of insanity at its discretion. The expense of printing the same shall be paid from the appropriation for contingent expenses of the state board of insanity.

*Approved June 18, 1909.*

**Chap.141** RESOLVE TO PROVIDE FOR DREDGING A CHANNEL AT HAR-  
BOR VIEW IN BOSTON HARBOR.

Harbor View  
in Boston  
harbor.

*Resolved*, That the board of harbor and land commissioners is hereby authorized to survey and dredge a channel in that part of Boston harbor called Harbor View,

at such point as the board may determine to be most suitable. The depth of the channel shall not exceed eight feet at mean low water. For the above purpose the board may expend a sum not exceeding ten thousand dollars, to be paid from the treasury of the commonwealth; but no work except said survey shall be done until the owners of the flats which would be affected thereby have released to the commonwealth all claims for damages which might arise from the said dredging, and no work except the survey shall be undertaken unless the project shall be approved by the board of harbor and land commissioners.

*Approved June 19, 1909.*

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RESOLVE TO PROVIDE FOR AN INVESTIGATION OF THE LAWS  
RELATIVE TO TAXATION.

*Chap.142*

*Resolved,* That a commission consisting of the tax commissioner, the bank commissioner and one other person, an expert on the subject of taxation, who shall be appointed by the governor, be authorized to examine carefully the general laws of the commonwealth relating to taxation with a view to ascertaining the advisability of a classification of property for purposes of taxation and as to whether it is necessary and desirable to amend the constitution to permit of such classification. The commission shall serve without compensation, shall have a room in the state house assigned to it, and may employ such clerical and other assistance as may be necessary, and shall be reimbursed for incidental and travelling expenses necessarily incurred. It shall give such public hearings as it deems necessary. The report of said commission shall be printed by the commonwealth, and a copy thereof shall be mailed in the month of December, nineteen hundred and nine, to every person elected to the general court for the year nineteen hundred and ten. The total expense under this resolve shall not exceed the sum of twenty-five hundred dollars.

Investigation  
of the laws  
relating to  
taxation.

*Approved June 19, 1909.*

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RESOLVE TO PROVIDE FOR A HOMESTEAD COMMISSION.

*Chap.143*

*Resolved,* That the governor, with the advice and consent of the council, may appoint a commission, to be known as the Homestead Commission, which shall consist of five persons, citizens of the commonwealth, who shall

Homestead  
Commission.

Homestead  
Commission.

serve without compensation, but may incur such expense, not exceeding one thousand dollars, as shall be approved by the governor and council. It shall be the duty of the commission to consider whether it would be expedient for the commonwealth to acquire or open for settlement lands in country districts with the view of aiding honest, industrious and ambitious families of wage earners to remove thereto from congested tenement districts of the various large cities and towns of the commonwealth, to the end that such lands may ultimately pass into the possession of the families settling upon them. The commission shall report statistics showing the probable expense to the commonwealth of the undertaking and any plans which it may recommend for adoption together with any recommendations for legislation which the commission may deem proper. The commission shall report to the next general court on or before the fifteenth day of January, nineteen hundred and ten.

*Approved June 19, 1909.*

**Chap. 144** RESOLVE RELATIVE TO THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

New York,  
New Haven  
and Hartford  
Railway  
Company.

*Resolved,* That the board of railroad commissioners, the tax commissioner, and the bank commissioner, sitting jointly, investigate the questions suggested in that part of the report of the attorney-general for the year ending January twentieth, nineteen hundred and nine, which relates to the New York, New Haven and Hartford Railroad Company, and report to the general court on or before the second Wednesday in January, in the year nineteen hundred and ten, with such recommendations as they shall deem expedient. They shall serve without compensation other than their official salaries. They may expend for the purposes of this resolve such sum as the governor and council may approve, not exceeding five thousand dollars.

*Approved June 19, 1909.*



## PROPOSED AMENDMENTS TO THE CONSTITUTION.

The following proposed articles of amendment to the constitution have been officially certified and deposited in the office of the secretary of the commonwealth, as required by section 20 of chapter 3 of the Revised Laws, and if agreed to by the general court next to be chosen, in the manner provided by the constitution, must be submitted to the people for their ratification or rejection:—

RESOLVE TO PROVIDE FOR AN AMENDMENT OF THE CONSTITUTION AUTHORIZING THE USE OF VOTING MACHINES AT ALL ELECTIONS.

*Resolved*, That it is expedient to alter the constitution of the commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the senators and two thirds of the members of the house of representatives present and voting thereon, be entered on the journals of both houses, with the yeas and nays taken thereon, and be referred to the general court next to be chosen; and that the said article be published, to the end that, if agreed to, in the manner provided by the constitution, by the general court next to be chosen, it may be submitted to the people for their approval and ratification, in order that it may become a part of the constitution of the commonwealth.

Proposed  
article of  
amendment to  
the constitu-  
tion.

## ARTICLE OF AMENDMENT.

Voting machines or other mechanical devices for voting may be used at all elections under such regulations as may be prescribed by law: *provided, however*, that the right of secret voting shall be preserved.

Use of voting  
machines at  
elections.

HOUSE OF REPRESENTATIVES, May 3, 1909.

The foregoing article of amendment is agreed to, two thirds of the members of the house of representatives present and voting thereon having voted in the affirmative: and the same is referred to the general court next to be chosen.

JOSEPH WALKER, *Speaker*.

SENATE, May 10, 1909.

The foregoing article of amendment is agreed to, a majority of the senators present and voting thereon having voted in the affirmative; and the same is referred in concurrence to the general court next to be chosen.

ALLEN T. TREADWAY, *President*.

RESOLVE TO PROVIDE FOR AN AMENDMENT OF THE CONSTITUTION AUTHORIZING THE GENERAL COURT TO IMPOSE TAXES.

Proposed  
article of  
amendment to  
the constitu-  
tion.

*Resolved*, That it is expedient to alter the constitution of the commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the senators and two thirds of the members of the house of representatives present and voting thereon, be entered on the journals of both houses, with the yeas and nays taken thereon, and be referred to the general court next to be chosen; and that the said article be published, to the end that if agreed to in the manner provided by the constitution, by the general court next to be chosen, it may be submitted to the people for their approval and ratification, in order that it may become a part of the constitution of the commonwealth.

#### ARTICLE OF AMENDMENT.

Relative to the  
powers of the  
general court  
in levying  
taxes, etc.

Article four of section one of chapter one of the constitution is hereby amended by striking out, in the twentieth and twenty-first lines, the words "proportional and", and by inserting after the word "commonwealth", in the twenty-fourth line, the words: — and for such purpose the general court may classify property in a reasonable manner.

HOUSE OF REPRESENTATIVES, May 11, 1909.

The foregoing article of amendment is agreed to, two thirds of the members of the house of representatives present and voting thereon having voted in the affirmative; and the same is referred to the general court next to be chosen.

JOSEPH WALKER, *Speaker*.

SENATE, May 24, 1909.

The foregoing article of amendment is agreed to, a majority of the senators present and voting thereon having voted in the affirmative; and the same is referred in concurrence to the general court next to be chosen.

ALLEN T. TREADWAY, *President*.



# RESOLUTIONS.

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## RESOLUTIONS ON THE DEATH OF JEREMIAH F. MCCARTHY.

*Whereas*, The house of representatives has learned with deep sorrow of the death of Jeremiah F. McCarthy, a member-elect from the third Suffolk representative district, who departed this life on the fifteenth day of January, 1909; and

On the death  
of Jeremiah F.  
McCarthy.

*Whereas*, His honored career as a member of the house of representatives in the years 1899, 1900 and 1908 distinguished him as an upright and conscientious legislator and a genial and courteous gentleman, fearless in the discharge of duty; and

*Whereas*, The warm and earnest friendships which he enjoyed in the community where he so long resided and to whose welfare and prosperity he so greatly contributed are well known to us, and we sincerely regret that we are not to be allowed to enjoy the benefit and influence of his association; be it

*Resolved*, That we hereby extend to the family of the deceased our deep sympathy and condolence in their bereavement, and that there be transmitted to them a copy of these resolutions.

*In House of Representatives, adopted, January 20, 1909.*

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## RESOLUTIONS RELATIVE TO THE RECENT CALAMITY IN SOUTHERN ITALY.

*Whereas*, The Kingdom of Italy has been visited recently by a great misfortune in the sudden and terrible loss of thousands of lives and vast destruction of property, therefore,

On the  
calamity in  
Southern  
Italy.

*Be it Resolved*. That the general court of the commonwealth of Massachusetts hereby records its deep regret for



this calamity and extends to the people of Italy its heart-felt sympathy in their affliction.

*Resolved*, That the secretary of the commonwealth be directed to send through the proper channels an attested copy of these resolutions to His Majesty the King of Italy.

*In Senate, adopted, January 15, 1909.*

*In House of Representatives, adopted, in concurrence, January 20, 1909.*

RESOLUTIONS RELATIVE TO ROLLS OF REVOLUTIONARY REGIMENTS AND COMPANIES AND TO STATEMENTS REGARDING REVOLUTIONARY PENSIONERS.

Relative to public access to the revolutionary rolls, etc., in the possession of the United States.

*Whereas*, The last soldier of the revolution passed away years ago and pensions based upon services of ancestors in the revolution have almost ceased to exist and further protection to the interests of the national government by withholding from the people the details of revolutionary pension cases or rolls of revolutionary regiments and companies now in the possession of the United States is unnecessary; and

*Whereas*, Massachusetts furnished a large percentage of the soldiers of the revolution and the detailed facts of their service contained in said statements and rolls are of historic and genealogical value to the state and to their descendants living in Massachusetts, as well as to the large numbers of such descendants living in other states; therefore be it

*Resolved*, That our senators and representatives in congress are recommended to take early concerted action to bring about public access to the revolutionary rolls and all documents pertaining to applications for revolutionary pensions now in the possession of the United States, with the right to copy them in whole or in part under such conditions and regulations as may be necessary for their safety and preservation; and that a copy of this resolution be forwarded to each of the senators and representatives in congress from this commonwealth.

*In Senate, adopted, March 30, 1909.*

*In House of Representatives, adopted, in concurrence, April 2, 1909.*

RESOLUTIONS PROTESTING AGAINST THE IMPOSITION BY  
THE FEDERAL GOVERNMENT OF A TAX ON INHERIT-  
ANCES.

*Resolved*, That the general court of the commonwealth of Massachusetts, believing that inheritances should not be made a subject for national taxation, but should be left to the respective states as a source of revenue, especially in times of peace, respectfully protests against the imposition by the federal government of a tax on inheritances.

*Resolved*, That certified copies of these resolutions be sent by the secretary of the commonwealth to the presiding officers of both branches of congress, and to each of the senators and representatives from Massachusetts.

*In House of Representatives, adopted, April 5, 1909.*

*In Senate, adopted, in concurrence, April 7, 1909.*

The general court of 1909, during its annual session, passed 539 acts and 143 resolves which received executive approval.

In addition to these, four acts and one resolve, entitled respectively, "An Act relative to the nomination of candidates for senator and members of state and district political committees in the first Essex senatorial district", (chapter 356); "An Act relative to the filing and receiving time of telegrams", (chapter 402); "An Act to establish a board of commissioners for the promotion of uniformity of legislation in the United States", (chapter 416); "An Act relative to the payment of pensions to teachers in the public day schools of the city of Boston", (chapter 537); and "A Resolve providing for a commission to investigate the causes of delay in the administration of justice in civil actions", (chapter 115); were passed, but failed to receive executive approval; but as they were not returned, with objections thereto, within five days after they had been received in the executive department, the general court not having been prorogued in the meantime, said acts and said resolve have the force of laws, under the provisions of the constitution governing such cases, and have been so certified.

Six acts, entitled, respectively, "An Act to authorize the city of Boston to pay a sum of money to the widow of William T. Cheswell"; "An Act to establish the salaries of the present deputies of the secretary of the Commonwealth"; "An Act to constitute eight hours a day's work for public employees"; "An Act to authorize the sale of berries at auction, at certain times, within the market limits of the city of Boston"; "An Act to provide for an Essex county agricultural school"; and "An Act relative to the salaries of the justice and clerk of the fourth district court of Bristol," were passed and laid before the executive for approval, and were returned, with objections thereto, to the branch in which they respectively originated; were reconsidered, and the vote being taken on passing the same, the objections of the executive thereto notwithstanding, they were rejected, two thirds of the members of either branch not having voted in the affirmative.

The general court was prorogued on Saturday, June 19, at 6.50 P.M., the session having occupied 165 days.

INAUGURAL ADDRESS  
OF  
HIS EXCELLENCY EBEN S. DRAPER.

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At twelve o'clock on Thursday, the seventh day of January, his excellency the governor, accompanied by his honor the lieutenant governor, the members of the executive council, and officers of the civil and military departments of the government, met the senate and house of representatives, in convention, and delivered the following

ADDRESS.

*Members of the General Court:*

During the last year business conditions in the commonwealth have not been good. Many people have been out of employment, and those who were employed have in many instances been obliged to work short time, because of the limited demand for the articles produced in our large manufacturing establishments.

These conditions have obtained all over the United States, and in other nations as well.

At the present time there is a very marked improvement in business; many more people are being employed, and, while there is nothing in the way of a business boom, conditions are distinctly better, and the outlook is brighter than it has been during the last year.

FINANCIAL CONDITION.

The net direct debt, so-called, of the commonwealth of Massachusetts, on the 1st of December, 1908, was \$17,669,372.

In this direct debt is included \$2,020,826 of the armory loan, transferred during the past year from the so-

called contingent debt. Without this armory loan the direct net debt would be \$15,648,546, or an increase of about \$950,000 in the last ten years.

During this time the so-called contingent debt of the state has increased very rapidly, being, ten years ago, \$29,893,112, while at the present time it is \$60,428,223, showing an increase of \$30,535,111 in ten years.

Substantially this entire debt, about \$60,000,000, has been incurred during the last twenty years, and it is being paid by the people of the metropolitan district.

I do not understand why this debt of the commonwealth is referred to as a contingent debt. It is a direct obligation of the commonwealth, but it differs from the net direct debt, so-called, in this: that for the payment of the net direct debt all the people of the state are taxed, while this so-called contingent debt is to be paid back to the state by the people of the metropolitan district.

The commonwealth, however, is directly responsible for its payment, and has issued its own direct obligations for the money obtained.

The so-called contingent debt is for the money which was borrowed for the metropolitan water works, the metropolitan sewers, and for the construction of metropolitan parks, etc.

I believe better and more correct names for these two classes of debt would be "general debt" and "metropolitan debt."

Of this metropolitan debt, \$40,500,000 has been incurred for the water supply, and ought not to be a burden on the community getting its benefits, as the water rates should more than pay all the expenses, interest, maintenance and sinking funds.

The sewer debt is of course a necessary burden upon the community which needs the sewers for a proper system to aid in the preservation of health.

The money expended for the metropolitan parks may have been a wise expenditure, but it is a very heavy burden.

#### STATE TAX.

The state tax for the year 1908 was \$5,500,000. This direct state tax was the largest for a great many years, and, while it was made large to pay for necessary expenditures, I believe that appropriations should, for the



coming year, be so made that a much smaller direct state tax should be required this year than last, and our best efforts should be used to bring about this result.

I conceive it my duty to urge on you at this time the importance of economy in all expenditures, making no appropriations where not absolutely needed, and exercising a most careful supervision of all expenses, so that our direct state tax, which bears heavily upon all the people, may be reduced as much as possible.

It goes without saying that where it is necessary to appropriate money for unavoidable enlargements or changes in our institutions for the care of the insane, sick, criminal and unfortunate, such appropriations should be made, and no public-spirited citizen, I am sure, will object to a proper tax for such a purpose.

But I do think that no appropriations which are not absolutely needed for the proper care of the people should be made, in the present financial condition of the commonwealth.

#### TAXATION.

In the last few years different governors have urged various methods of increasing the revenues of the state. Commissions and legislative committees have been appointed to bring in recommendations for new laws which should effect this result.

While these reports have been made by very able men, both on the commissions and legislative committees, the only recent recommendation on taxation of those made by them or by governors, which has been enacted into law, has been the law relating to the taxation of direct inheritances.

The legislature has shown, by its action in raising by a direct tax whatever money was needed in addition to our regular revenue for paying the running expenses of the state, that that method was satisfactory to it.

The direct state tax for the payment of the running expenses of the commonwealth has one great virtue, in that it calls to the attention of the people of every town and city the amount of money appropriated by the legislature for state expenditures.

Under these circumstances, and realizing the fact that many suggestions and recommendations that have been made by governors for increasing the state's revenue have

not been adopted by the legislature, I have at this time no suggestions to make for changing the existing method of taxation.

#### RECESS COMMITTEES.

Many able committees have been appointed in the past, to sit when the legislature is not in session, to consider various matters and make recommendations to the legislature for new laws.

In most cases, in recent years, important recommendations made by these committees have not been enacted into law.

The committees have been made up of conscientious men, who have given much thought to the subjects which they were appointed to consider; their reports have not brought about many important changes in legislation.

We are one of a very few states in the Union who have annual elections and sessions of the legislature, and the legislature is in session for substantially six months out of every twelve.

Under these conditions, necessary changes in our laws may be considered and acted on without the appointment of recess committees, which are of necessity expensive, and, as we have annual elections and annual sessions of the legislature, are unnecessary.

#### EDUCATION.

Massachusetts has always maintained a high reputation for the quality of education that has been furnished by her public and private educational institutions.

In the last year there was contributed by the people of the state, for all school purposes, \$18,515,429.

During the same time, outside of the money that has been raised directly by the cities and towns of the state for education, there has been expended by the commonwealth, directly, more than \$1,150,000 for state aid to the normal schools, pay for superintendents in small towns, textile schools, nautical training school, teaching the deaf and blind, industrial education, state fund to small towns, etc.

The great question that is interesting the people to-day, in the way of general education, seems to be that which is termed "industrial education."

There does not seem to be a general agreement as to just what this term means. Many people seem to think that "industrial education" consists of instruction in manual training, which can be given, to a certain extent, in the grammar and high schools of the state; but to my mind this is incorrect.

"Industrial education" means much more than incidental instruction in so-called manual training, and I do not believe that it can be properly furnished except in special schools, devoted to that and to no other purpose.

I do believe that our method of education in grammar and high schools can be shaped in such a way that pupils desiring an "industrial education" may begin in an industrial school better prepared than they now are; but I do not believe that the present organization of public schools can furnish "industrial education" to their pupils.

Our education now tends very much more to academic acquirement than to industrial training; and, while opportunity should be furnished to the few pupils in our public schools who desire to prepare for college training, changes should be made in their teaching, so that great numbers of the scholars who wish industrial education should have an opportunity to study with that end in view, rather than be obliged to pursue, as at present, a course mainly academic.

I believe that separate industrial schools should be established, which should not take in scholars, boys or girls, at less than fourteen years of age. I am not prepared to state whether or not there should be an age limit in the other direction; but such schools should be so organized that if boys or girls desired to attend them at that age, they could take a practical course which might last for two or more years, so that when they left they would be prepared to enter, with some substantial training, into the industrial work of life.

Boys and girls from fourteen to seventeen or eighteen years of age are not at the present time furnished by public schools with adequate training in the direction of a life work, if it is to be connected with a trade. The pupils who go to high schools are obliged to take much more of an academic training than they would be, pro-

vided there were suitable industrial schools for them to attend during these years.

In every section of the commonwealth one may see boys and girls between fourteen and seventeen, who are too young to work, on the streets doing nothing, or getting an education for which many of them are not adapted and do not wish; and I believe that giving them an opportunity for "industrial education," one part of which should be learning how to work and actually working a certain number of hours each day, would be of great benefit to them.

I further think that, at the present time, our educational system is not being conducted harmoniously to produce the best results; and later on it would seem to me wise to have the various organizations which are employed in state education brought under one control, so that each department should be managed by a central body, working in harmony with each other's branch of education, so that effort need not be wasted, and that the children to be educated should not be experimented on by different departments having an entirely different conception of what such education should be.

It may not this year be feasible to bring about such a general reorganization, because the experimental starting of industrial schools undoubtedly needs the fostering care of a special organization; but when we see the state spending large sums of money for all these different organizations not working harmoniously for a common result, the desirability of such a reorganization as I have suggested will, I believe, be plain to all.

#### STATE HIGHWAYS.

The commonwealth of Massachusetts early recognized the necessity and value of good roads, and started in 1894 to build them.

The appropriation in that year for this purpose was \$300,000, and since that time, up to December 1 of the present year, about 770 miles of such highways have been constructed at a total cost of \$6,400,000, this being an average yearly expenditure of nearly \$432,000.

The law provides that twenty-five per cent of the amount expended for these highways shall be collected by the state treasurer from the counties, so that the total

expense directly chargeable to the state has been about \$5,000,000, and the average net amount expended annually by the state has been about \$360,000.

The present law, passed in 1908, has provided for an annual expenditure of \$500,000 for five years, so that the policy of the commonwealth is well determined.

I think there is no substantial number of the citizens of the state who do not thoroughly believe in the construction of good roads by the state.

We have been extremely fortunate in having had a commission in charge of this work who have expended the money wisely and accomplished generally satisfactory results; and to-day the state highways of Massachusetts are certainly second to those of no state in the Union, and are probably better than those of any other state. They are serving and will serve the people of the commonwealth well, and the wise policy started by the state should be continued.

At times special appropriations have been made for new roads in excess of the annual appropriations. It does not seem to me that it is a wise policy to pursue, and if there are special places where state highways are needed, they should be constructed out of the regular annual appropriation.

One reason which appeals to me for this conclusion is the fact that the annual expenditures for maintenance, to preserve the property which we already have, must be materially increased over what they have been in the past; and this expense for maintenance ought to be considered an annual expense, which must be raised by taxation and paid for in the year in which it is expended.

In 1908 the direct legislative appropriations for maintenance were \$150,000. In addition, the net receipts for fees of the automobile department for one and one half years, which amounted to about \$145,000, were appropriated for this purpose, so that the commission were enabled to expend for maintenance during the year 1908 about \$295,000.

Taking the appropriations which have been made for repairs from the beginning of the construction of the state highways, the average amount appropriated by the legislature for maintenance has been considerably less than \$100 per mile per year.



In the last four or five years a very important new element has had to be considered in the repair of the state roads. I refer to the great increase in the number of automobiles which are used by the citizens of the commonwealth. I believe that their number will increase, and, while this may be a good thing in many directions, they certainly make it much harder to keep the roads in condition, and therefore the annual amount to be expended for keeping the roads good must be materially increased.

The highway commission estimates that it will require at least \$300 per mile per year to maintain the state highways in proper repair; and you will therefore need to take this into consideration in your treatment of this question.

There can be no doubt of the wisdom of maintaining in good condition the splendid property which we have, rather than increasing our mileage rapidly by borrowing money for new construction, and allowing the roads we already have to run down because of insufficient expenditures.

The park roads in the state are a comparatively small amount in mileage, but, because of enormous automobile traffic over them, the expense for re-surfacing and repairs is many times per mile what it is on the state highways.

There is no better illustration of the great damage done to highways of this character by high-powered and swift-running automobiles than is shown by the great amount of money required to keep these park roads in repair. Their condition shows to every observer the destructive effect of very extensive use of automobiles.

It seems to me obvious that a change ought to be made in the registration fee for automobiles, and that a graded fee should be established, by means of which the people using machines which destroy the roads would be compelled to pay to the commonwealth a proper amount for repairs.

I therefore believe and urge that legislation should be enacted which would require the owners of high-powered, heavy and fast-running automobiles to pay a greater license fee than is charged to citizens owning lighter and less destructive motor vehicles. Such laws

have been enacted in other states, and, in my opinion, are practical and comparatively easy of application.

I think, further, that the money raised from such registration fees should be used for the maintenance of state roads.

In building these state roads, it has been the policy of our commission to build them so that they would connect with the main highways of other states. This policy should be continued, and I think we may safely assume that other New England states will pursue the same general policy in the construction of their highways, and this co-operation will eventually be of great benefit to the people of all the New England states.

#### AUTOMOBILES.

As I have previously stated, these vehicles have, in my opinion, come to stay, and will constantly increase in numbers.

I have already referred to changes that I think it would be wise to make in legislation having to do with increased receipts from the use of certain classes of machines.

I further believe that our laws should be so amended as better to regulate the conditions under which they are run. The object to be attained by such legislation, in my view, is to prevent reckless operation of such machines on the public highways. Speed limits may have their advantages, but they oftentimes work a hardship on careful operators.

The laws should be so framed that any reckless operation of a motor vehicle, at any speed, should be the test for fine or other punishment, as the case may be. The object to be attained is to frame laws which will prevent reckless and dangerous operation of such vehicles. Where any particular person is convicted, the penalty should be severe; and if glaring cases of recklessness are found, the guilty operator should be prohibited from further opportunity for such action.

I would further suggest that some law might be passed which would make it a criminal offence to use an automobile without the owner's permission.

## HARBORS AND PUBLIC LANDS.

I believe that the appropriations for improvements in our harbors in the recent past have not been made in a proper and systematic way.

Many so-called improvements have been made that were not necessary; others have been started with an insufficient appropriation to carry them out, so that contracts could not be made to the best advantage; and in some instances appropriations have been made that were wasteful.

I suggest for your consideration that it would be wiser to treat this matter as the construction of highways is treated; that a general appropriation, of an amount sufficient to cover all such work, be annually made by the legislature; and that the money so appropriated should be expended on such projects as meet with the approval of the harbor and land commission.

In this way the sum appropriated could be kept within reasonable limits; no supposed improvement would be started without the approval of the responsible board which has these matters in charge for the commonwealth; and better results would be obtained for all the people.

In this connection it would be wise to pass a general law authorizing cities and towns, by a two thirds vote, to appropriate money to perform work and assume the risk of land damages for harbor and water improvements of this kind, in the same general form as the special acts passed by the legislature for Plymouth harbor, the Wellfleet act for the dike and dams, and the Falmouth act for Deacon's pond.

This would provide a good test of local public interest in proposed improvements, and would, if part of the cost were borne by the town, show the real interest of the community in such improvement.

There would undoubtedly be cases where the town could not afford to pay anything, while the improvement might be important. In other cases the town might be willing to pay a part, and the state could pay the rest, if it were really an improvement.

I would suggest that the annual appropriation by the state for such purposes should not be in excess of \$75,000.

If any great work were to be undertaken for the benefit of the whole state, it could of course be dealt with as a separate matter.

## ONE SYSTEM OF BOOKKEEPING.

An act was passed by the last session of the Legislature (chapter 597) which provided that, under the direction of the auditor, a system of bookkeeping which should be substantially uniform should be established for all our institutions. This was to apply to both receipts and disbursements, and accounting for stores, supplies and materials.

It seems to me that this is a matter of the greatest importance, as it would make it easy for comparisons of one institution with another as to their receipts and expenditures for similar articles. Their results in caring for the property in their control could be easily ascertained, and success or failure in management could be easily compared.

This would be most helpful to the managers of the institutions, and would be a great aid in the prevention of unnecessary and extravagant expenditures. It would enable the boards of control, and the responsible head of each institution, to find out, quickly and accurately, any facts which would be of advantage to each of them to know.

I am informed by the auditor that this matter is substantially well under way, and that it will be in practical operation, if not now, in the immediate future.

## MILITIA.

The militia of the commonwealth I believe to be in good condition. Their status has been very much changed by the passage, by the national congress, of the so-called Dick law, which has been accepted by Massachusetts, and they now constitute a part of the general military system of the national government.

The work done by the militia in Chelsea during and after the great fire was excellent, and I congratulate them on the efficiency shown in the service there rendered.

## MASSACHUSETTS NAUTICAL TRAINING SCHOOL.

This school has been in the past conducted on the United States ship "Enterprise."

The school was established for the purpose of training young men to become efficient in all branches of work

connected with the merchant marine, and, in case of necessity, to have the basic training for service in the United States navy.

The naval bureau of Massachusetts, under the adjutant general, is required to superintend the training of the naval militia of the commonwealth, which includes subjects covered by the Massachusetts nautical training school, and they also have a war vessel for their use.

The nautical training school has received from the government this year a much larger and better ship than the "Enterprise," the "Ranger," which would also be an admirable ship for the use of the Massachusetts naval militia.

I suggest for your consideration whether it is not perfectly practicable for both these organizations to use the same ship. This could be done by having the terms of the scholars in the nautical training school limited to nine full months a year, and the naval militia could use the ship for part of three months in the year.

I am informed, as a matter of fact, that the naval militia, if they had the use of the ship for Saturdays during May and June, and for the month of July, would not need it at other times.

Under these circumstances, the usual cruise that is taken by the nautical training school could begin on the first of August without interfering with the naval militia, and the students in the training school could have vacations for Saturdays and Sundays in May and June, and for the month of July.

The subjects on which the Massachusetts naval militia need training are somewhat like those which are furnished to the students in the training school, so that the teachers and officers of the training school could fulfill a very important function in helping in the training of the naval militia.

If this were done, it would not be necessary to maintain the special commission of the Massachusetts nautical training school, and the whole matter could be put in charge of the naval bureau.

This, in my judgment, would be practically as well for the students in the nautical training school, and an excellent thing for the naval militia.



The gentlemen who compose the naval bureau are well qualified to fulfill the responsible duties now performed by the commission controlling the nautical training school, and the necessary complication of having two war ships for these two entirely similar purposes would be done away with, a considerable amount of money would be saved, and there would be no disadvantage to the commonwealth.

I desire to have it distinctly understood that in any statements here made I have nothing but praise for the commission which has conducted the Massachusetts nautical training school; but it seems to me that for the best interests of the commonwealth it is unnecessary to have these two ships and two boards of administration.

There has always been a misunderstanding among the people in regard to what the nautical training school is, there having been a general impression that it was something in the way of a reformatory institution.

This is absolutely incorrect; it is simply what its name implies, — a nautical training school, which has done much good work, and has turned out men well trained to fill important positions in the mercantile marine service.

#### OLD-AGE PENSIONS.

I am informed by members of the commission who are investigating the question of old-age pensions that they will make a partial report this year, but that they will need another year to make the complete report required by the terms of the resolve under which they were appointed.

They further say that they will not need any further appropriation before their final report.

Under these circumstances, it would be wise to have their time extended for one year, so that we may have the benefit of their investigations shown in a full report.

In this connection, however, I would suggest for your consideration whether, if any general old-age pension scheme were ever to be enacted, it would not be wise to have this a national proposition, rather than something to be done by an individual state. We are all citizens of one country, and if our state should take up this matter for consideration, and some states do nothing, and others

adopt one scheme and still others a different one, it would produce a situation which, to my mind, would not be practical or wise.

#### FORESTRY.

Forest products have so increased in value in recent years that it behooves us as a commonwealth to enact and adjust laws so that our forests or commercially valuable trees may be treated and conserved with economy and that lands at present in idleness shall be returned, through reforestation, to productivity. We must also enact sufficient laws to reasonably insure our people against dangers from forest fires and over-taxation of growing timber.

I cordially recommend to you a consideration of the recommendations of the New England forestry officials, resulting from the recent meeting of New England governors.

#### BOARDS AND COMMISSIONS.

The business of the commonwealth of Massachusetts is largely carried on by boards and commissions, paid and unpaid.

#### *Unpaid Boards.*

There are twenty-three unpaid boards. Several of these are local, like the trustees of the textile schools in Lowell, Fall River and New Bedford; several of them are not especially active; but, on the other hand, others have the superintendence of much of the important business of the state, both as to results accomplished and money expended. The board of health, board of education, prison commissioners, board of insanity, board of charity, board of agriculture, trustees of state library, the commission for the blind, have matters of the greatest importance to attend to, and expend very large sums of money.

These boards are made up of public-spirited men and women, who have given their services to the commonwealth. They are well organized as a working force, and they employ able and high-priced agents to represent them. They serve practically as boards of directors of the great institutions which they manage, and they have given good and most valuable service to the commonwealth.

The organization is an economical one, and the results attained, on the whole, are excellent. I do not mean that

in detail or results they cannot be criticised, but the system of unpaid boards of public-spirited men and women, with good salaried executive officers hired by them and under their control, has done good work for the commonwealth, and has done it economically.

*Paid Boards.*

There are six paid boards, so called, in the commonwealth:—

- Board of boiler rules.
- Board of conciliation and arbitration.
- Board of registration in dentistry.
- Board of registration in pharmacy.
- Board of registration in veterinary medicine.
- Board of registration in medicine.

These last four boards are managing matters of very similar import, with each one maintaining a separate organization of secretaries, agents, etc.

The men on these boards have done good work, and are not paid high salaries; but, because of their being separate boards, it is necessary for each to have a separate organization, and I believe it would be perfectly feasible to have one board and one organization in place of the four boards and four organizations, without detriment to the business of the commonwealth.

I do not mean to imply that all the expenses of the organizations could be done away with; it would be necessary to have more clerks than are employed by any one board; but travelling expenses, which are a very substantial item, would be very much reduced, a single representative of each of the departments could be on a general board, representing the particular subject with which he was familiar; and as a consequence I believe the business of the state would be quite as well done as now, with one board instead of four, with very much less complication and a considerable saving in money.

*Commissions and Boards paid by Cities, Towns and Various Interests.*

There are fourteen commissions and boards which are paid by the commonwealth, the expenses being then charged either to the interests which they overlook, to the

metropolitan district, or to various cities and towns for which their work is done.

Among the most important of these commissions are:—

- Railroad commissioners.
- Gas and electric light commission.
- Fall River board of police.
- Boston police commissioner.
- Licensing board for city of Boston.
- Chelsea board of control.
- Metropolitan water and sewerage board.
- Boston transit commission.
- Metropolitan park commission.
- Charles River basin commission.
- Suffolk county court house commission.
- Bar examiners.

All these commissions, boards and single commissioners are engaged in work which requires their continuance for the present, with the exception of the Charles River basin commission.

It is already provided by law that when the Charles River basin commission shall have concluded their labors, the control of the dam, lock and basin shall be turned over to the metropolitan park commission.

The Charles River basin commissioners have informed me that they are certain that they shall have the main part of their work completed by July 1, 1910. They therefore suggested to me that an act should be passed providing for the care and control, by some public body, of the Boston embankment when completed. Further, that in that act a definite date should be established when their commission shall cease to exist by operation of law. The construction work remaining to be done will cost about \$1,100,000.

They do not think that by July 1, 1910, all the details of their work will be finished, but they do believe that it will be substantially done at that time, and they hope and expect that the main parts of the work will be completed considerably earlier than that.

I therefore recommend legislation which shall provide that the metropolitan park commission shall take over the unfinished work of the Charles River basin commission not later than July 1, 1910, and that the act shall also

provide that the same commission shall have charge of the entire work when completed.

I believe, as suggested by the members of the Charles River basin commission, that they will be enabled to turn their work over to some proper authority at a much earlier date than July 1, 1910, and I therefore suggest that the act shall be so framed that this transfer can be made at any earlier date.

Another very important matter which this commission has called to my attention is the apportionment of the expense incurred by them among the cities and towns of the metropolitan park district, as provided in the Charles River basin act.

They have been advised by the attorney-general that new legislation is necessary to enable this apportionment work to be done; and I suggest that legislation be enacted at this session of the legislature, providing that these cities and towns begin, in the year 1909, to pay to the state part of the Charles River basin loan secured by the state for their benefit.

The metropolitan water and sewerage board report that they consider it necessary to lay a new water main to furnish an extra supply of water to the metropolitan district, at an estimated cost of \$750,000.

For the same reasons they think it necessary to provide an additional engine at the Chestnut Hill pumping station for the high-service system. They estimate this will cost \$150,000.

This new main and pump are needed not because of largely increased population, but because the per capita consumption of water in the district has increased to a point beyond the original estimates.

When the works were constructed it was thought that eventually the use of water might amount to an average of 100 gallons per day per person. The daily per capita consumption has now reached 132 gallons in the metropolitan district, and in Boston the daily average per capita consumption for the last year was 158 gallons.

This suggests that there must be a great and unnecessary waste of water, the result of which will be, if it is not checked, an enormous increase in expense to the metropolitan district and the city of Boston for new supply, mains and pumps.



The legislature in 1907 passed an act (chapter 524) requiring all water services installed after Jan. 1, 1908, in cities and towns which are supplied from the metropolitan works, to be equipped with water meters, and also requiring them to annually equip with meters five per cent of the water services not metered on Dec. 31, 1907.

All the municipalities within the metropolitan district have substantially complied with the requirements of this act except the city of Boston, which consumes about seventy-eight per cent of the total quantity supplied. The water commissioner of Boston states that practically nothing has been done under the provisions of the act of 1907, in the way of supplying meters, because the department had no funds with which to proceed. This seems extremely short-sighted policy, because it is a well-known fact that where water is metered and paid for by the amount used, there is much less wasted.

The city of Boston has not taken general measures for checking the consumption of water by rigid inspection. This ought to be done, and the requirements of the act of 1907, in regard to meters, should be complied with.

It is probable that if these two matters were properly attended to, the consumption of water would be decreased per capita from twenty-five to thirty-five per cent; and if that were done, the estimated expenditure of \$900,000 for new water mains and pumping engines would not be immediately necessary.

This shows the great importance to the city of Boston and the whole metropolitan district of having a compulsory and rigid inspection of the use of water, and an enforcement of the legislative act of 1907 in regard to water meters for the city of Boston; and I trust that matter will be treated in such a way as to bring about an immediate and great improvement in this respect.

While the metropolitan district and the city of Boston have a magnificent and generous water supply, that should not be an excuse for extravagance and waste, which must greatly increase the cost of water to the taxpayers.

This is a matter that concerns all the people, and should have immediate attention.

*Commissions, Heads of Departments, etc.*

In addition to the boards, commissions, etc., which have previously been referred to by me, there are seventeen commissions and heads of departments which are paid directly by the commonwealth. Many of them are in charge of very important interests, and include —

Massachusetts highway commission,  
Insurance commissioner,  
Fisheries and game commissioners,  
Tax commissioner (also commissioner of corporations),  
Commission on industrial education,  
Harbor and land commission,  
Civil service commissioners,  
Armory commission,  
Bank commissioner,  
Superintendent for the suppression of gypsy and brown-tail moths,  
Bureau of statistics of labor,  
Commissioner of state aid and pensions,  
Commissioner of weights and measures,

besides several others of lesser importance.

The matters under control of these various agencies are well looked after, and, while it may be wise from time to time to make certain changes, I have nothing special to suggest at the present time, except the enactment of such legislation as will enable one person to serve as superintendent for the gypsy and brown tail moth suppression and state forester.

I am informed by the commissioner of state aid and pensions that the present law provides for the payment of state and military aid to the first day of January, 1910.

New legislation should be enacted, to authorize the continuation of these payments.

## MEETING OF NEW ENGLAND GOVERNORS.

The governors of the New England states, together with delegates appointed by them, met in Boston recently for consultation and discussion of certain subjects in connection with which they felt great benefit would inure to the people if uniform laws were passed by each of the states.

Among the delegates present were the state foresters, highway commissioners and fish and game commissioners.

As a result of this meeting, various resolutions were passed, which if adopted by the legislatures of the respective states, would improve conditions in New England.

These resolutions had reference to connecting lines of highways and regulation of traffic thereon, forestry encouragement and regulation, and changes in laws relating to lobsters and mollusks.

I commend these various resolutions, which were matters of unanimous agreement, to your favorable consideration. If the changes recommended in the laws are good, as I believe they are, their adoption by all of the New England states would certainly result beneficially.

*Senators and Representatives:* — You have been selected to serve the commonwealth in an election where a larger number of votes were cast than at any previous time in our history.

Conditions are such in many of our municipalities, and in the commonwealth, that careful, economical and conscientious exercise of the best abilities that are possessed by our public servants is required.

I feel sure that you recognize fully the responsibilities which rest upon you, and that you will do your duty conscientiously and well.

You are familiar with the great record which has been made in the past by your predecessors, and I urge you to pass no laws, to please others, which have not the approval of your own conscience and judgment.

If you do this, the results accomplished will raise still higher the standard of Massachusetts legislation.

## SPECIAL MESSAGES.

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THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY  
HIS EXCELLENCY THE GOVERNOR TO THE GENERAL  
COURT DURING THE ANNUAL SESSION.

[To the honorable senate and house of representatives, January 8, 1909.]

I have the honor to transmit herewith to the general court a report of the pardons granted in 1908, left with me by my predecessor in office.

EBEN S. DRAPER.

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[To the honorable senate and house of representatives, January 6, 1909.]

I have the honor to present herewith, in compliance with chapter 50 of the resolves of 1860, a report of the forty-one pardons issued by the governor, with the advice of the council, during the year of my administration just closed. Of this number, eight were in the state prison, six in houses of correction, twenty-three in the Massachusetts reformatory and four in the reformatory prison for women.

CURTIS GUILD, JR.

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[An asterisk signifies that the pardon was granted by acting governor Draper during the illness of governor Guild.]

No. 1. HERBERT HORSMAN. Convicted of drunkenness, Central District Court of Worcester, Sept. 23, 1907. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Jan. 8, 1908, upon the recommendation of the mother of the prisoner (who was the complainant), the chief of police of Worcester and other prominent citizens of that city, who believed that he had thoroughly reformed and would hereafter lead a sober life. Steady employment awaited him. Pardons.

## Pardons.

No. 2. SERGIUS PASSOFF. Convicted of being a delinquent child, Boston Juvenile Court, March 22, 1907. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Jan. 15, 1908, on the ground that he had been sufficiently punished. The judge who imposed the sentence recommended a pardon.

No. 3. CHARLES MURPHY, 2d. Convicted of breaking and entering, Superior Court, Suffolk county, December term, 1902. Sentenced to the state prison for from eight to ten years. Pardoned Jan. 29, 1908, upon the recommendation of the parties from whom the property was stolen, who believed that he had been sufficiently punished by the five years' imprisonment he had already suffered, and that he was led into committing the crime by an older man who had a prison record. This was his first offence. He went immediately to a western state, to live with an uncle and begin life anew.

No. 4. GAETANO DE PASQUE. Convicted of receiving stolen goods, Superior Court, Plymouth county, Oct. 16, 1905. Sentenced to the state prison for from three to four years. Pardoned Feb. 5, 1908, upon the recommendation of the former district attorney and assistant district attorney, who tried the case, and the parties from whom the goods were stolen. The sentence seemed to be quite a severe one, considering the fact that De Pasque had never before been arrested for any crime. The district attorney believed it "to be a case in which executive clemency could be exercised without prejudice to the administration of justice."

No. 5.\* DANIEL MCPHEE. Convicted of being a wayward child, East Boston District Court, March 14, 1906. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Feb. 5, 1908, upon the petition of the father and mother of the prisoner (who caused his arrest). It was believed that he had been amply punished for disobeying his parents.

No. 6.\* ERNEST W. VINING. Convicted of vagrancy, District Court of Western Hampden, Nov. 26, 1907.



Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Feb. 5, 1908, upon the recommendation of the justice who imposed the sentence. This prisoner, who was eighteen years of age, was in no sense a vagrant. He had a good home in Maine, where he was sent the day he was released. Pardons.

No. 7.\* ANNIE BROWN. Convicted of being accessory before and after the fact of abortion, Superior Court, Suffolk county, Oct. 20, 1905. Sentenced to the reformatory prison for women for five years and three months. Pardoned Feb. 28, 1908, upon the recommendation of the justice who imposed the sentence, the district attorney and the prison physician. The prisoner, who had been employed for only two weeks as a clerk in the office of one Sophia A. Stone, was suffering from pulmonary tuberculosis, and gradually failing. She pleaded guilty to being accessory before the fact, which led to the indictment of Mrs. Stone as principal. Mrs. Stone employed able counsel, and her case was continued for nearly two years, when she was acquitted by the jury which tried her case. In view of these conditions, and the health of the defendant, it was believed that the ends of justice would be served by her release.

No. 8.\* ALBERT W. CLARK. Convicted of rape, Superior Court, Bristol county, Nov. 15, 1904. Sentenced to the state prison for from eight to twelve years. Pardoned March 25, 1908, on the ground that he was entirely innocent of the crime of which he was convicted. He was sentenced on a charge of criminal assault on Norah Greely, a fourteen-year-old girl. The girl has since admitted that her charge against Clark and her testimony at his trial were false, but that she was compelled to act as she did to shield her stepfather, who was the guilty one, and who died in 1906. The police authorities of Taunton who secured the conviction of Clark have done all they could to make amends by working up the case for his pardon, and securing statements and admissions from the Greely girl. District attorney Swift of Bristol county not only favored the pardon, after careful investigation, but urged that it be granted without delay.

## Pardons.

No. 9.\* CHARLES A. POWELL. Convicted of being a stubborn child, Municipal Court of the Roxbury District, Jan. 13, 1908. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned March 25, 1908, upon the ground that he had been sufficiently punished. The complaint was made by his mother on account of his staying out late nights and neglecting his work, but with the expectation that he would be placed on probation. He was sentenced without counsel or friends to speak a word in his behalf.

No. 10.\* FRANK A. CLARK. Convicted of drunkenness, Police Court of Lowell, Sept. 12, 1907. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned April 1, 1908. This was his first offence. He had a wife and child depending upon him for support. The pardon was earnestly recommended by many of the leading citizens of Lowell, who believed that he had thoroughly reformed.

No. 11.\* JOHN RYAN. Convicted of vagrancy, District Court of Western Hampden, Nov. 25, 1907. Sentenced to the state farm on an indeterminate sentence; transferred to the Massachusetts reformatory. Pardoned April 1, 1908. Ryan, nineteen years old, a resident of Lawrence, left his home in search of work. He applied for a night's lodging at the police station in Westfield. The following morning he was brought before the court on a charge of vagrancy, and sentenced as above stated. He belonged to a highly respectable family, and has always borne a good reputation.

No. 12.\* JAMES M. DENNIS. Convicted of trespassing on a railroad, Municipal Court of the Brighton District, March 30, 1908. Sentenced to pay a fine of \$50. Committed to the house of correction. Pardoned April 22, 1908. The crime consisted in stealing a ride on top of a freight car while seeking employment. He was unable to pay the fine, and was committed to the house of correction for three months, in default of payment. The pardon committee believed he had been sufficiently punished.

No. 13.\* ALBERT H. LONG. Convicted of larceny, Pardons. First District Court of Eastern Middlesex, April 13, 1908. Sentenced to pay a fine of \$50, or three months in the house of correction. Pardoned May 14, 1908, upon the recommendation of the justice who imposed the sentence, and the probation officer. The prisoner had a wife and six children, who were in a destitute condition. He had no means to pay the fine. Immediate employment awaited him.

No. 14.\* WALTER VINCENT SMITH. Convicted of murder, second degree, Superior Court, Worcester county, May 27, 1903. Sentenced to the state prison for life. Pardoned May 27, 1908, upon the recommendation of the selectmen, every clergyman of all denominations in Clinton, the justice of the district court and his associates, the chief of police and every police officer, and also every physician and lawyer of influence or repute, as well as every business man and official in the town of Clinton; also recommended by Justice Gaskill, who presided at the trial, who believed that the public interest would not suffer if he should be released after serving five years of his sentence. Smith was sentenced for the murder of his father, at Clinton, May 27, 1903. He was seventeen years of age at the time the crime was committed, and had borne an excellent character. The murder was committed when the young man was in a high state of excitement and exasperation, caused by the frequent and continued abuse of his mother by his father. The relationship between the mother and son was of the strictest affection, and it appears that the mother had made a confidant of her oldest son to the extent of telling him all her troubles and the suffering she endured from his father; that he was also an eye witness to many incidents connected therewith, and that this matter wore upon his mind to such an extent that he believed it his duty, for the protection of his mother, to kill his father. This is clear to the mind of every one connected with the case, and who knows its history and unusual character. One of the terrible scenes between husband and wife occurred in the son's presence immediately before his act. After the murder he immediately gave himself up, and for some time did not realize

## Pardons.

the consequences of his act, except to believe that he had relieved his mother and his younger brothers and sisters from further torment and suffering.

No. 15.\* WILLIAM D. ADAMS. Convicted of vagrancy, Central District Court of Worcester, Feb. 18, 1908. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 27, 1908. Adams, nineteen years old, left his home in Randolph to look for work in Worcester. Failing to find work, and having no money, he applied for lodging at the police station two successive nights, whereupon he was arrested as a vagrant. He had a good home with an aunt in Randolph.

No. 16.\* JOHN L. McKIERNAN. Convicted of being a stubborn child, Third District Court of Eastern Middlesex, Jan. 4, 1908. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 27, 1908, upon the earnest request of the father and mother, who caused his arrest. He was seventeen years of age. It was believed that the nearly five months' imprisonment he had already suffered was sufficient punishment.

No. 17.\* ADDIE RUSSELL. Convicted of drunkenness, Superior Court, Suffolk county, Jan. 23, 1908. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned May 27, 1908. This woman's husband was a respected citizen of Dorchester, where he had a neat and well-furnished home. They had a son eleven years old. It was believed that she had been sufficiently punished, and would hereafter refrain from the use of intoxicating liquor.

No. 18.\* FRANCIS TULLY. Convicted of assault, Superior Court, Worcester county, Oct. 28, 1896. Sentenced to the state prison for twelve to fifteen years. Pardoned May 27, 1908, upon the recommendation of a large number of the leading citizens of Southbridge, where the crime was committed. Tully had been a remarkably well-behaved prisoner. He had worked in the kitchen for many years, where he had been exceedingly useful. The remaining five months of his sentence was remitted for the excellent service he had rendered the commonwealth. The

crime was committed when he was under the influence of liquor. Pardons.

No. 19.\* GEORGE DEVARNEY. Convicted of larceny, District Court of Western Hampden, Aug. 29, 1907. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned June 10, 1908, upon the recommendation of the justice who imposed the sentence, the probation officer and chief of police of Westfield, who all believed that Devarney, who was but eighteen years old, had reformed, and would hereafter lead an orderly course of life.

No. 20.\* JOHN LEVESQUE. Convicted of being a delinquent child, Police Court of Lowell, Jan. 3, 1908. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned June 10, 1908. This boy, sixteen years of age, whose parents were both dead, was pardoned to be adopted by a physician in New Hampshire.

No. 21.\* JOHN BARRY. Convicted of being idle and disorderly, Police Court of Lawrence, Jan. 20, 1908. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned June 10, 1908, upon the recommendation of the justice who imposed the sentence, who was of the opinion that his five months' imprisonment had served its purpose, and that, if released, he would lead an orderly and industrious life.

No. 22.\* RICHARD HOLDEN. Convicted of attempt to commit larceny, Second District Court of Bristol, Jan. 31, 1908. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned June 10, 1908, upon the recommendation of the mayor and many of the leading citizens of Fall River. Holden, twenty-five years old, had a wife and three young children. The family had no means of support. His five months' imprisonment was believed to be sufficient.

No. 23. JAMES O'CONNELL. Convicted of assault, Superior Court, Worcester county, Oct. 28, 1896. Sentenced to the state prison for from twelve to fifteen years. Pardoned June 22, 1908. O'Connell had maintained a



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perfect conduct record during all the time of his imprisonment. For this reason a pardon was granted. The assault was committed when all the parties concerned were under the influence of liquor, and was not a serious one. It was considered at the time of trial as an unusually severe sentence.

No. 24. NATHAN ZASS. Convicted of receiving stolen goods, Superior Court, Bristol county, Feb. 19, 1908. Sentenced to the house of correction for one year. Pardoned June 8, 1908, upon the recommendation of the district attorney and police inspector and many citizens of Fall River, who believed that the ends of justice had been served. The police inspectors had grave doubts, from an investigation made since the trial, as to the guilt of the prisoner.

No. 25. WALTER ROBERGE. Convicted of breaking and entering and larceny, Police Court of Lawrence, Nov. 25, 1907. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned July 29, 1908, to enable him to accompany his parents to Canada, where they were to make their home. He was but fourteen years old when committed to the reformatory. His conduct record had been perfect.

No. 26. BRIDGET BULGER. Convicted of drunkenness, Municipal Court of the Dorchester District, March 14, 1908. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned Aug. 5, 1908, on the ground that she had been sufficiently punished. She was sixty-three years of age, and had a husband and children who would watch over her.

No. 27.\* BLANCHE CONROY. Convicted of larceny, District Court of Franklin, Feb. 28, 1908. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned Aug. 26, 1908, on the ground that she had been sufficiently punished. She was married when fourteen years of age. On the second day of August, 1908, when but seventeen years of age, she was delivered of a child. She was the victim of a profligate husband. She was sent to the home of her parents in Vermont.

No. 28.\* SAMUEL PEARLSTINE. Convicted of stubbornness, Municipal Court of the Roxbury District, May 15, 1908. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Aug. 26, 1908, upon the petition of his parents, who caused his arrest, and who believed that further imprisonment was unnecessary and that in the future he would give no further trouble. Immediate employment awaited him. Pardons.

No. 29. WILLIAM J. RYAN. Convicted of drunkenness, Police Court of Lowell, April 17, 1908. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Sept. 29, 1908, upon the recommendation of the probation officer, who believed that the punishment he had undergone was sufficient. He had a wife and two children in destitute circumstances, who were dependent upon him for their support.

No. 30. PATRICK E. DEGNAN. Convicted of being idle and disorderly, Fourth District Court of Eastern Middlesex, May 12, 1908. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Sept. 29, 1908, upon the recommendation of the mayor, lieutenant of police and probation officer of Woburn. He had a good home, and it was believed that he would hereafter be a law-abiding citizen.

No. 31. JOHN KOSEY. Convicted of stubbornness, Second District Court of Bristol, June 2, 1908. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Sept. 29, 1908, to join his parents, who were to move at once to Austria.

No. 32. PATRICK DOHERTY. Convicted of walking on railroad track, Municipal Court of the Brighton District, Aug. 13, 1908. Sentenced to pay a fine of \$25. Committed to the house of correction for three months, in default of payment of fine. Pardoned Sept. 29, 1908. Doherty, who belonged to a respectable family in another state, had committed no crime; was simply walking on the railroad track in Brighton. He had no money to pay his fine.

## Pardons.

No. 33. EVERETT T. SHERMAN. Convicted of larceny, Second District Court of Plymouth, March 16, 1908. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Sept. 29, 1908. This was his first offence, and was not a serious one. His prison record was perfect. He had a good home with his mother and grandmother, both of whom were highly respected.

No. 34. MICHAEL DIADULONIS. Convicted of vagrancy, Police Court of Lowell, May 26, 1908. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Oct. 28, 1908. This boy, eighteen years of age, had never been convicted of any crime. He had been in this country but three months when he was committed for vagrancy, being unable to secure any employment. He was pardoned to accept a situation secured for him by his sister.

No. 35. AGNES BUCKLEY. Convicted of drunkenness, Trial Justice Court, Middlesex county, July 7, 1908. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned Oct. 28, 1908, upon the recommendation of trial justice Mulligan, who imposed the sentence, and the chief of police of Natick, who believed that she had reformed and would abstain hereafter from the use of intoxicating liquors.

No. 36. WILLIAM CHADWICK. Convicted of walking on railroad track, Municipal Court of the Brighton District, Sept. 21, 1908. Sentenced to pay a fine of \$25. Committed to the house of correction for three months, in default of payment of fine. Pardoned Nov. 4, 1908, upon the recommendation of the justice who imposed the sentence, who believed, after careful inquiry, that this prisoner was not a tramp, but an honest workingman, ignorant of the law, and having no intention to violate it.

No. 37. CHARLES HAYES. Convicted of murder, second degree, Superior Court, Middlesex county, October term, 1885. Sentenced to the state prison for life. Pardoned Dec. 10, 1908. Hayes had led an exemplary life, the crime for which he was convicted being his first offence. The provocation was unusually strong. The victim struck

the first blow, wounding Hayes in the face, and there is little question but that if the victim had been a man rather than a woman, the sentence would have been for no more serious a crime than manslaughter. His conduct record was perfect during all the time of his imprisonment, and for several years he had been a trusted prisoner in caring for the separate imprisonment building. He was pardoned as an act of executive clemency.

No. 38. PAUL SCHLOTT. Convicted of larceny, Police Court of Lawrence, Sept. 30, 1908. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Dec. 10, 1908, upon the recommendation of the justice who imposed the sentence. This boy was but fifteen years old when arrested, and should have been brought before the juvenile court, where he would undoubtedly have been placed on probation.

No. 39. JAMES E. SPOONER. Convicted of statutory rape, Superior Court, Worcester county, June 1, 1906. Sentenced to the state prison for from eight to ten years. Pardoned Dec. 16, 1908, upon the recommendation of the district attorney and all the town officers of Petersham, where the alleged crime was said to have been committed. It was believed that neither the ends of justice nor the protection of society demanded that the petitioner be held for further punishment.

No. 40. ABRAHAM I. ASHER. Convicted of burning property to defraud, Superior Court, Worcester county, Dec. 10, 1907. Sentenced to the house of correction for three years. Pardoned Dec. 23, 1908, upon the recommendation of the justice who imposed the sentence, and the district attorney. Asher had always been a strictly honest, upright man, and claimed that he was entirely innocent of the crime alleged against him. The justice and district attorney believed that there were grave doubts regarding his guilt, and that he should be pardoned.

No. 41. ARTHUR CADORET. Convicted of being a stubborn child, Municipal Court of the South Boston District, Aug. 15, 1908. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Dec.

Pardons.

29, 1908. He was complained of by his father, who did not realize at the time the nature of the prison to which he was committed. His age was fifteen. He had made a perfect conduct record in the reformatory. It was believed that if given his liberty he would be a good boy in the future.

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[To the honorable senate and house of representatives, March 16, 1909.]

I have received the full report of the commission appointed to investigate the subject of public improvements for the metropolitan district, under the provisions of chapter 108, resolves of 1907, as amended by chapter 143, resolves of 1908, which extends the time for the final report of said commission to March 15, 1909; and I have the honor to transmit herewith for the consideration of your honorable bodies the report of the commission, together with the report of George R. Wadsworth, engineer, on railroads and terminals, and the report of Desmond Fitz Gerald, consulting civil engineer, on docks.

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[To the honorable senate and house of representatives, March 22, 1909.]

I return herewith without my approval "An Act to authorize the city of Boston to pay a sum of money to the widow of William T. Cheswell."

The bill is as follows:—

"SECTION 1. The city of Boston is hereby authorized to pay to Millie B. Cheswell, the widow of William T. Cheswell, late a member of the fire department of the said city, who died from injuries received in the service, the sum of two thousand dollars.

SECTION 2. This act shall take effect upon its passage."

I find that William T. Cheswell died February 15, 1906. He went to work for the department April 1st, 1863, and was appointed chief of department March 29, 1901. On December 20, 1905, he was injured by being thrown from his wagon while responding to an alarm and reported for duty on January 22, 1906. On February 15, 1906, he was taken suddenly ill at a fire on Commercial street, and was taken to the relief station of the city hospital, where he almost immediately died.

From the certificate of Dr. George H. N. Rowe, the physician in charge, his death was due to an attack of



cardiac. This is the official record, but from statements made to me I believe that his death resulted from or was caused in large part by the accident of December 20, 1905, referred to.

I understand that Mr. Cheswell was a very efficient fire chief and that he rendered most excellent service to the city of Boston.

I find, however, that under the acts of 1880, chapter 107, section 2, it was provided in regard to the Boston fire department, that:—

“If any member of the said fire department shall die from injuries received while in the discharge of his duties, and shall leave a widow, or, if no widow, any child or children under the age of sixteen years, a sum not exceeding three hundred dollars may be paid by way of annuity to such widow so long as she remains unmarried, or to any such child or children so long as he or they continue under the age of sixteen years, and the fire commissioner may from time to time order such annuity to be reduced.”

I understand that such an annuity is being paid to Mrs. Cheswell now under this law.

I recognize that where a public servant meets his death while in the discharge of his duty it is entirely different than where a public servant dies a natural death, and the family of such an official should receive different consideration in the former than in the latter case, but in the instance above referred to it has been provided by law just what should be done and this has already been carried out by the city of Boston.

Under these circumstances to vote a further sum of two thousand dollars to the family of Mr. Cheswell would seem to me to be in the nature of a gratuity and very unwise legislation, if not unconstitutional.

I therefore return this bill without my approval.

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[To the honorable senate and house of representatives, March 25, 1909.]

In answer to an order adopted by the honorable house of representatives on March 16th last, requiring the opinion of the attorney-general as to “whether the laws and statutes of this commonwealth permit cattle infected to any degree with tuberculosis to be killed and sold as food in this commonwealth,” the attorney-general has replied that in his opinion “the laws and statutes of this com-

monwealth do not permit the sale of meat derived from the carcasses of cattle infected to any degree with tuberculosis or any other disease to be sold as food within this commonwealth."

In accordance with this opinion I have this day instructed the chief of the cattle bureau and the state board of health to see that arrangements shall be immediately made so that the law shall be carried out immediately, strictly and carefully.

I have further asked the state board of health to see that all local boards of health and their officers and agents within the commonwealth who have anything to do with these matters shall be immediately informed as to what the law is and govern themselves accordingly.

I desire further to call your attention to a statement of the attorney-general concerning "the obvious inconsistencies which exist between the statutes of 1908, chapter 329, section 1, and other provisions of the laws of the commonwealth, and the provisions of the laws, rules and regulations of the federal government in the premises."

I call this matter to your attention officially so that you may take immediate and proper action to make appropriations, if any are necessary, to carry out the law, and that, further, you may take into consideration for such action as you may deem best whether or not this law (chapter 329 of the acts of 1908) does or does not apply as well to cattle slaughtered outside the commonwealth and brought here for sale as to cattle killed within the state.

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[To the honorable senate and house of representatives, April 1, 1909.]

I have this day received from the honorable Arthur B. Chapin his resignation of the office of treasurer and receiver general of the commonwealth. A vacancy therefore exists in that office, and under such circumstances the constitution requires the election of his successor by the senators and representatives.

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[To the honorable senate and house of representatives, April 5, 1909.]

I have received from the Massachusetts highway commission an inventory and appraisal of the property of the New England Telephone and Telegraph Company, made in accord with chapter 102 of the resolves of last year.

The commission also sends with this report an explanatory letter and a copy of a letter sent to the New England Telephone and Telegraph Company, with a copy of the company's reply to the same.

I forward all these documents to you for your consideration. From them it appears that the commission desires further scientific investigation and report as to costs of operation in different localities, amounts for repairs, etc., etc., so that it may be able to determine what rates are fair and reasonable in various localities and for the various classes of service, both toll and local.

The Massachusetts highway commission estimates that to obtain this information in a thorough manner will cost thirty-five thousand dollars. The letters forwarded herewith show that the New England Telephone and Telegraph Company agrees that this information is proper for the commission to have and further agrees that if the Massachusetts highway commission will obtain this information, the New England Telephone and Telegraph Company will refund the money so spent to the commonwealth to the extent of thirty-five thousand dollars, if so much is found necessary to be expended.

The information in question seems to me to be proper and valuable for the Massachusetts highway commission to have, and as the New England Telephone and Telegraph Company takes the same view and is willing to pay for such information, I suggest that a proper resolve be adopted providing for this expenditure.

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[To the honorable senate and house of representatives, April 20, 1909.]

The existing situation in regard to some of the great railroad companies which are serving the commonwealth of Massachusetts seems to me to be unsatisfactory. It is not necessary for me to state in detail the events which have led up to this condition or to attempt any characterization of them. It is the condition which exists which needs improvement.

At the present time there is a large amount of stock in the Boston and Maine Railroad which is generally understood to be owned by foreign corporations or by gentlemen who are not citizens of the commonwealth of Massachusetts. This stock may at any time change ownership and become the property of some great railroad whose

main interests would not be in Massachusetts or in New England.

If anything can be done so that this condition may be changed and the ownership of this stock brought into the control of Massachusetts it would seem to me to be wise and for the best interests of the commonwealth. I am informed and believe that this result can be brought about if in the opinion of your honorable bodies it is considered wise.

I therefore suggest that you consider the advisability of creating a corporation which, under such limitations as you prescribe, shall have the right to purchase and hold stock in the Boston and Maine Railroad, giving to any railroad corporation incorporated under the laws of this commonwealth, if necessary, the power temporarily or otherwise to finance said corporation, and I would suggest that if a charter is granted to such a corporation, its powers be strictly limited. Among other things it should be provided that a majority of the directors of the corporation must at all times be citizens of the commonwealth and that its principal office and place of business must be in the city of Boston, as well as the meetings of its directors, and that the corporation shall not have the power to sell or dispose of the stock so acquired by it without the consent of the commonwealth, after investigation by the railroad commissioners and action by the legislature.

If such a corporation is authorized, with the powers and limitations which I have indicated, I am informed and believe that it could acquire a large holding of stock in the Boston and Maine Railroad. This would result in bringing the ownership and control of one of the great lines of railroad serving Massachusetts and New England into the Massachusetts company located in and chartered by the commonwealth, and such ownership and control would rest in that company until the commonwealth by act of its legislature should relinquish it.

It seems to me that this would result in benefit to the commonwealth and New England, would remove doubt and uncertainty now existing, and bring a large part of the railroad interests in our immediate vicinity into harmonious relations with the government and citizens of the commonwealth; and I commend such action to your favorable consideration.

[To the honorable senate and house of representatives, May 4, 1909.]

I have had various conferences with the chairman of the board of trustees of the industrial school for boys which was provided for under chapter 639 of the acts of 1908. I am informed that under this act the trustees have purchased land with several buildings on it and that they have made contracts for betterment of buildings and improvements which will take nearly all of the original appropriation of eighty-five thousand dollars.

I am also informed that by this act it was provided that when this school should be ready, no more children should be sentenced to the Suffolk School for Boys, and that this would result in sending substantially four hundred boys to the new industrial school for boys.

I do not think it would be wise to have so large a number of boys sent to this new school immediately. It would seem to be much better to start with a smaller number and get thoroughly familiar with the problem with which we have to deal before having so large a number in the school. In this view the trustees of the school concur.

I am informed further that with an additional appropriation of about forty thousand dollars for equipment and of twenty-two to twenty-three thousand dollars for maintenance, the school could be opened on the first of June and could take care of one hundred boys until the meeting of the legislature next year, which could then provide for the further maintenance of the institution.

The boys would have an opportunity to work on the improvements to be made to the institution, — the preparing of a water supply, the clearing up of land, the erection of buildings, etc., which would save money to the commonwealth and give them valuable instruction and good training in work, — while the trustees and the officials in charge of the school would have an equal opportunity to familiarize themselves with the problems of such an institution and to deal with them, without having too large a number of boys.

I therefore suggest that chapter 639 of the acts of 1908 be so amended as to defer for a period of at least two years transfers to this school from the Suffolk School for Boys, and further amended so that commitments to this school by the court must be made with the consent of



the trustees, so that the number of boys may not be in excess of one hundred during the first two years; and that sufficient appropriations be made to equip and maintain the institution from June 1st next until the meeting of the legislature next year.

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[To the honorable senate and house of representatives, May 10, 1909.]

I return herewith without my approval "An Act to establish the salaries of the present deputies of the secretary of the commonwealth."

As I understand the matter, the present deputies of the secretary of the commonwealth referred to in this bill are two in number. The matter of an increase in their salaries was considered by the legislature last year and one of them, the so-called second deputy, received an increase in salary from \$2,200 to \$2,500 a year. It was not deemed wise at that time to increase the pay of the other deputy, whose salary was \$2,500.

It seems to me that the increases in salary here called for are not necessary or wise at the present time, nor do I think the work as a whole which is done by these deputies calls for an expenditure of more than \$5,000, the amount which is at present paid.

Beyond this, one of the gentlemen serving as deputy has been a long time in the service of the commonwealth and has rendered faithful service, but he is, if incapacitated, eligible for retirement on half his salary, or \$1,250 a year. Were this bill to be passed, he would immediately become eligible for retirement, when incapacitated, at \$1,500 a year. I do not consider this in the slightest degree as a criticism or reflection on any one, but I do think that it is an important matter for the commonwealth to consider in the passage of a salary bill, because where a public servant is eligible to retirement on half pay, he should certainly be satisfied with a much less total salary when at work than should a person who, when the time for retirement comes, receives no pay whatever.

For the reasons above given I return this bill without my approval.

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[To the honorable senate and house of representatives, May 14, 1909.]

I return herewith without my approval House Bill No. 516, entitled "An Act to authorize the sale of berries at

auction at certain times within the market limits of the city of Boston." The bill in question reads as follows:—

"SECTION 1. During the months of April, May, June and July, between the hours of six and ten o'clock in the forenoon, it shall be lawful for dealers in berries to sell berries at auction from vehicles in highways within the market limits of the city of Boston as they have been declared or defined by the street commissioners of said city.

"SECTION 2. This act shall take effect upon its passage."

The legislature of 1907 passed an act, chapter 584, under which the use of streets in all parts of the city of Boston for the storage and sale of merchandise was gradually brought under systematic and lawful regulation. In the legislative session of 1908 another act, chapter 519, was passed, which was a bill giving certain special privileges to dealers within the market limits. This bill represented an agreement between the wholesale dealers, the street commissioners and the police commissioner, and as adopted by the legislature included a specific prohibition of auction sales in the streets.

The present bill seems to me to be very unwise in making an exception in favor of dealers in berries and allowing them special privileges in the streets of Boston. There are no clauses in the bill, moreover, describing what the term "dealers in berries" means, and there is no provision that the person who sells at auction shall be a licensed auctioneer. Under these circumstances a man selling berries at auction under this bill might break several city ordinances and laws which applied to all other people and still go free. This bill does not protect the rights of occupants of stores and buildings.

Beyond this, it seems to be very unwise for the legislature to undertake the detailed regulation of street traffic for the city of Boston, which, to my mind, should be left in the hands of the city authorities.

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[To the honorable senate and house of representatives, May 15, 1909.]

I return herewith without my approval a bill entitled, "An Act to constitute eight hours a day's work for public employees." This is a misnomer of the bill, because it is already law that a day's work for "public employees" shall be eight hours.

Chapter 369 of the acts of 1907 contains the following provision: — "Eight hours shall constitute a day's work for all laborers, workmen, and mechanics now or hereafter employed by or on behalf of the commonwealth, or of any county therein, or of any city or town which has accepted the provisions of section 10 of chapter 106 of the Revised Laws." The present bill under consideration makes various changes in this existing law.

Another one of the provisions of the existing law is that "no laborer, workman or mechanic so employed shall be requested or required to work more than eight hours in any one calendar day."

The proposed law makes it "unlawful for any officer of the commonwealth or of any county therein, or of any such city or town, or for any such contractor or sub-contractor or other person whose duty it shall be to employ, direct or control the service of such laborers, workmen or mechanics to require or permit any such laborer, workman or mechanic to work more than eight hours in any one calendar day, except in cases of extraordinary emergency."

In this sentence the difference between the proposed and the existing law is in the use of the words "require or permit" in place of the words "shall be requested or required" no work more than eight hours in one calendar day.

This is a very drastic change and seems to me to be needless. I further think it is an unwarrantable interference with the right of the workman to work more than eight hours in a day if he so desires.

Another change suggested by the new law appears in section three, where it proposes "that any agent or official of the commonwealth, or of any county therein, or of any city or town, or any contractor or sub-contractor or any agent or person acting on behalf of any contractor or sub-contractor who violates any provision of this act shall be punished by a fine not exceeding one thousand dollars or by imprisonment for six months or by both such fine and imprisonment for such offense."

The present law provides that any such person as described in the first part of section three above quoted who violates any provision of the act "shall be subject to a penalty of five dollars for each offense."

This proposed bill increases the penalty from a fine of fifty dollars for each offense to a fine not exceeding one thousand dollars, or by imprisonment for six months or by both such fine and imprisonment for each offense. This seems to me to be altogether too drastic a penalty for such an offense and one that ought not to be inserted into law.

Section five of the proposed act provides "that at any trial arising under the provisions of this act evidence that laborers, workmen or mechanics have worked or are working over eight hours in any one calendar day shall be prima facie evidence of the violation of the provisions of this act."

This provision seems to me to be absolutely unjust and improper, if not entirely unconstitutional. This would make the defendant in a case under this act adjudged prima facie guilty before trial, and he would be obliged to prove his innocence rather than compel the complainant to prove him guilty. This to my mind is an unwarrantable change in the common law which would be absolutely unjust to part of our citizens and could only be defended on the ground that laboring men working for the state or on public works must be protected by law in an entirely different way than other laboring men who happened to be employed on other classes of work. This would, to my mind, be an unwarranted reflection on their independence and standing, and would also be class legislation of the worst kind.

There is one other defect in this bill which I am informed and believe would make it absolutely unconstitutional. It has no saving clause concerning contracts entered into prior to the passage of the act. It is unjust in this respect and unconstitutional.

I further believe that the effect of this law would be to drive much business now done in the commonwealth of Massachusetts to other states, and therefore work a great hardship on manufacturers, contractors and laboring men in Massachusetts, as it would deprive the manufacturers and contractors of work which they ought to have and would deprive the men who work for them of an opportunity to get employment on such work. The restrictions of this bill could not be carried out in regard to contractors outside the commonwealth who are furnishing work for the state, and they would therefore have a great advantage in competitive work.

I do not believe it is wise to handicap our manufacturers and laboring men with unnecessary restrictions of this kind.

As I said earlier, it is not a bill to constitute eight hours a day's work for public employees, but it is a bill for putting unnecessary and unwise restrictions on business and labor of the commonwealth, and making some men *prima facie* criminals instead of considering them innocent until they are proven guilty.

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[To the honorable senate and house of representatives, June 19, 1909.]

I return herewith without my approval an act entitled "An Act relative to the salaries of the justice and clerk of the fourth district court of Bristol."

This bill provides for the raising of the salaries of the justice and clerk of the fourth district court of Bristol to the salaries paid in Class F under chapter 453 of the acts of 1904. The latter act was a general act which provided for the pay of justices and clerks of courts of the various districts throughout the commonwealth, and is based on the accurately ascertained population of each district.

I am informed that while the population of the fourth district of Bristol county may be 30,000, it has not been ascertained definitely to be a fact and cannot be until the next regular census is taken.

Under these circumstances if these salaries were raised it might well work an injustice on other justices and clerks in the commonwealth, who would have an equal claim to higher salaries and who are not receiving them.

It seems to me that this is not a wise measure and that the salaries ought not to be raised until the population is accurately determined by census to be within the requirements of the general law.

For the reasons given I return this bill without my approval.

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[To the honorable senate and house of representatives, June 19, 1909.]

I return herewith an act entitled "An Act to provide for an Essex county agricultural school."

This bill provides for the expenditure of seventy-five thousand dollars, — one half to be furnished by the county



of Essex and one half by the commonwealth, — for the purchase of real estate and the erection or alteration of buildings for the purpose of establishing an agricultural school.

After the erection of this school it provides that Essex county shall annually raise by taxation a sum not exceeding ten thousand dollars, and that the commonwealth shall provide an equal amount for the running expenses of the school.

It is further provided that four trustees shall be appointed by the governor, with the consent of the council, and that they, together with the county commissioners, shall be the trustees of this school.

Various provisions are made as to the manner in which the debt of Essex county shall be paid. The bill further provides that the trustees shall furnish courses of study, lectures in practical training, etc., and further, that the site shall be selected and school conducted subject to the approval of the commission on industrial education.

The object of this suggested school has my hearty approval, as I am very earnestly in favor of industrial education. It seems to me, however, that this is a very important matter, which should receive careful consideration and should not be acted upon in haste.

The present legislature has passed a law which provides for a reorganization of the state board of education and does away with the present commission on industrial education as a separate organization.

It does not seem to me wise to establish an important precedent of this kind at this time without consideration and report by the board of education as to what policy along this line it would recommend and favor.

This bill subjects the commonwealth to one half the expenditure for the purchase of land and erection of buildings, as well as one half of the maintenance expenses. It further makes the school a county institution, with a board of trustees of whom four shall be appointed by the governor and the other three be the county commissioners.

This seems a radical departure in the way of conducting public education and one that ought to be carefully considered before entering upon it.

It may be that county schools will be favored by the new state board of education or it may be that the board

will recommend the establishment of schools by towns and cities, which shall be part of the general public school system of the commonwealth.

In any event it does not seem to me to be wise to establish a precedent of this kind, both as to the expenditure of the state's money and the method of governing the school, without careful consideration and report of the new board of education, which is supposed to have charge of the general public school system of the commonwealth.

The bill cannot be approved, as it provides for the approval of the commission on industrial education on the selection of the site and conduct of the school, and there will be no commission on industrial education after July 1st, 1909.

For the above reasons I return the bill without my approval.

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CHANGE OF NAMES.

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## CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Revised Laws, chapter 154, section 14, the returns of the following Changes of Names have been received in the office of the Secretary of the Commonwealth, as decreed by the several Probate Courts of the Commonwealth in their respective counties:—

### BARNSTABLE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1908.</b>			
Feb. 11.	Francis Vaughn.*	Francis John Gray.	Tuoro.
April 7.	Charles Amand Witzke.	Charles Amand Gibbs.	Barnstable.
7.	Henrique Sousa Tavers.	Henry Sousa Tavers.	Falmouth.
May 12.	Joseph E. Baker.	Frank E. Baker.	Falmouth.
Dec. 8.	Mary L. Mingo.	Mary L. Attaquin.	Mashpee.

### BERKSHIRE COUNTY.

Jan. 16.	—*.	Dorothea Emma Beck.	Pittsfield.
Feb. 13.	Delia Daley.*	Delia Welch.	Lee.
13.	James Daley.*	James Welch.	Lee.
March 3.	Bruce Jardine.*	Bruce Jardine Wood.	Cheshire.
3.	Esther Spalding.*	Esther Marie Hune.	Dalton.
19.	Hattie Louise Humes.*	Hattie Louise Greene.	New Marlborough.
April 7.	Edna May Tebedo, alias Edna May Thibodeau.*	Edna May Korn.	Cheshire.
8.	Abraham Janowitz.	Abraham Janewith.	Pittsfield.
May 5.	Earl Wyman Partridge.*	Earl Albert Williams.	Cheshire.
Aug. 10.	Frances Ryder.*	Ella Theresa Davis.	Provincetown.
Oct. 6.	James Rufus Harrington.*	James Hypson Wood.	Cheshire.

### BRISTOL COUNTY.

Jan. 17.	Catherine Louise Winters.*	Catherine Louise Eldridge.	Taunton.
Feb. 21.	Moses Markelevich.	Moses Markell.	Fall River.
21.	Laura Belle Wilcox.	Laura Belle Chase.	Westport.
March 6.	Arthur Givens.*	Arthur Donald Cady.	Boston.
6.	Joseph Theodore D'Avignon.	Joseph Theodore Lauzier.	Fall River.
6.	Emma Beatrice Alicock.*	Emma Beatrice Schofield.	New Bedford.
6.	Frederick Nelson.*	Frederick Lloyd.	New Bedford.
6.	Ethel Ellen Sanderson.*	Ethel Ellen Sowerburts.	New Bedford.
20.	Fannie Francis.*	Ada Francis Monjohn.	Cambridge.
20.	Maybelle Louise Wright.*	Maybelle Louise Purcell.	New Bedford.
April 3.	Florence R. Emmons.*	Florence Frances Furlong.	Mansfield.
3.	Ella May Hindley.*	Elva Josephine White.	Fall River.
May 1.	Benjamin Holshanetzky.	Benjamin Hall.	New Bedford.
8.	Irene Celia Currin.*	Irene Celia Sullivan.	Fall River.
15.	Lena Porter.*	Lena Abbott.	Fall River.

\* Changed by reason of adoption.



## CHANGE OF NAMES.

## BRISTOL COUNTY—Concluded.

Date of Decree.	Original Name.	Name Deceased.	Residence.
<b>1908</b>			
June 5.	Roger Wilson,*	Joseph Rutillo,	Boston.
5.	Gladys M. Congdon,	Gladys M. Chace,	Taunton.
5.	Edna Francis Naylor,*	Edna Frances Read,	New Bedford.
5.	Frederick Albert Mackenzie, alias Charles Forest Mackenzie,*	Forrest Theodore Davidson,	Boston.
19.	Ellen Smith,*	Helen Louise Weeks,	Fairhaven.
19.	Bertha Holt,	Bertha Turner,	Fall River.
19.	Harold J. McLeod,*	Harold Lynch,	Lexington.
19.	John Sylvia,*	John Jacintho,	New Bedford.
July 3.	John H. Ford,*	John Ford O'Donnell,	Fall River.
Aug. 7.	John Smith,*	Albert Edward Clarke,	New Bedford.
7.	Charlotte Watkins,*	Ruth Dorothy Davis,	New Bedford.
7.	Stella M. Gilway,*	Stella M. Leonard,	New Bedford.
7.	Anita Levesque,*	Anita Rioux,	Fall River.
7.	Yvonne Levesque,*	Yvonne Rioux,	Fall River.
Sept. 4.	John Johnson,*	Norman Cecil Burgoyne,	New Bedford.
4.	Andrew Williamson,*	William Murphy,	New Bedford.
11.	Catherine Colman,*	Katherine Wood,	Lynn.
11.	Gertrude Elizabeth Chace,*	Dorothy Bliss,	Swansea.
11.	Earl Winthrop Kendrick,*	Alden Estes,	Worcester.
18.	Dorothy Rowlands,*	Dorothy Henshaw,	New Bedford.
Oct. 2.	Clara Smith,*	Emily Smith,	Fall River.
2.	Norman R. Taber,*	Norman Rollins,	New Bedford.
Nov. 6.	Teresa Catherine Macdonald,*	Teresa Catherine Macdonald Gorman,	No. Attleborough.
6.	Bertha Jackson,*	Avis Eleanor Blackwell,	Attleborough.
6.	Marguerite Summerhayes,*	Dorothy Edith Drew,	Boston.
13.	Myrtle Maud Baxter,*	Myrtle Maud Westgate,	Taunton.
20.	Ward W. Loomis,*	Clifford Haworth,	Mansfield, Conn.
Dec. 4.	Joseph Delphis Exare Meunier,	William Henry Meunier,	Taunton.
4.	Rose MacMillian,*	Elizabeth Mary Freelove,	Boston.
4.	Mary Dudouy,*	Mary Dudouy Sisson,	New Bedford.
18.	Howard Esmond Matcalf,*	Howard Esmond Chubbuck,	Attleborough.

## COUNTY OF DUKES COUNTY.

June 30.	Harold Douglas Shepherd,*	Harold David Beetle,	Edgartown.
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## ESSEX COUNTY.

Jan. 6.	Sarah Jane Adams,*	Sarah Adams Davis,	Williamstown.
20.	Gustave Wagner,*	Gustave Lassig,	Lawrence.
30.	Mary Ellen Lake,*	Marv Ellen Lake Tozier,	Topsfield.
Feb. 3.	Margaret Mary England,*	Margaret Mary Witham,	Gloucester.
March 2.	Wilfred Cardinal,*	Wilfred Kenneth MacLean,	Haverhill.
2.	Dorothy Donnelly,*	Dorothy Donnelly Roche,	Lowell.
9.	Gutorm J. Berqvam,	Gilbert Johnson Bergman,	Lawrence.
9.	Grace Lillian Sartwell,*	Alice Elizabeth Clark,	Lynn.
16.	George Delorey,	George Norris,	Gloucester.
19.	Margaret Mary Witham,*	Margaret Mary Jameson,	Gloucester.
23.	T. Augustus Robbins,	Augustus Poole,	Salem.
23.	Mary O'Neil,*	Mary Lena Chalifoux,	Newburyport.
23.	Annina Viola Feole,*	Annina Geremia,	Lawrence.
26.	Albert Henry Parker,	Albert Henry Goodridge,	Rockport.
26.	Jennie Bell Parker,	Jennie Bell Goodridge,	Rockport.
26.	Edward Emerson Parker,	Edward Emerson Goodridge,	Rockport.
April 2.	Melvin A. Hook,*	George Melvin Pitman,	Lynn.
6.	Walter Gilmore,*	Walter Gilmore Smith,	Hamilton.
9.	Elizabeth Kerr,	Elizabeth Tuttle,	Beverly.
13.	Loretto Griffin,*	Elsie Loretto Fuller,	Newburyport.

\* Changed by reason of adoption.

## CHANGE OF NAMES.

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## ESSEX COUNTY — Concluded.

Date of Decree.	Original Name.	Name Deceased.	Residence.
<b>1908.</b>			
April 13.	Vangie Chambers, . . .	Evangeline Chambers Milnes, . . .	Boston.
16.	Nellie Buffington Blood, . . .	Helen Buffington Blood, . . .	Lynn.
21.	Christina Beatrice Hurd,* . . .	Christina Beatrice Perry, . . .	Lynn.
21.	Francis Stockwell,* . . .	Lynn don Sterling, . . .	Lynn.
May 4.	Harold Amen,* . . .	Bradley Thomas, . . .	Boston.
4.	Robert Iten,* . . .	Robert Everett Hunkins, . . .	Pepperell.
4.	Violet Russell Newcomb,* . . .	Violet Henrietta Bradley, . . .	Cambridge.
4.	Sherman W. Stewart,* . . .	Sherman William Finley, . . .	Nahant.
4.	Kathaleen Carson Wentworth,* . . .	Theodora Thomas, . . .	Boston.
7.	Eleanor M. Durgin,* . . .	Eleanor Durgin Hamlin, . . .	Danvers.
7.	John Joseph Flemming,* . . .	John Joseph Roberts, . . .	Lawrence.
21.	Francis Greenwood,* . . .	Francis Shepherd, . . .	Gloucester.
28.	Alton Leroy Frye,* . . .	Alton Leroy Dugdale, . . .	Boston.
June 1.	Stephen Brewer,* . . .	Stephen Morris Whitney, . . .	Arlington.
1.	Ordella Lucy Hanson,* . . .	Hazel Mildred Hart, . . .	Lynn.
1.	Russell Morrill,* . . .	Russell Wilkins, . . .	Bedford.
1.	Sarah Calista Chase, . . .	Sarah Calista Bean, . . .	Haverhill.
15.	Cecelia Coleman,* . . .	Helen Naughton, . . .	Boston.
15.	Florence E. Lovering,* . . .	Florence Ethel Truax, . . .	Lynn.
22.	Florence Martin,* . . .	Nina Florence Childs, . . .	Swampscott.
25.	Allice A. Dudley,* . . .	Alice Almada Taber, . . .	Methuen.
July 9.	Annis Alberta McDonald,* . . .	Alberta Annis, . . .	Salem.
27.	Gladys Lena Heckbert,* . . .	Gladys Lena Snow, . . .	Lynn.
27.	David H. Rakowsky, . . .	David Henry Rogers, . . .	Salem.
Aug. 3.	Ida Feurig, . . .	Ida Schneider, . . .	Lawrence.
20.	Arnold Stone,* . . .	Arnold Stone Thrasher, . . .	Marblehead.
Sept. 8.	William Gaber,* . . .	William Dobrotiner, . . .	Peabody.
14.	Marion Cahill,* . . .	Marion Higgins, . . .	Lawrence.
14.	Doris Arline Wallace,* . . .	Hattie Irene Johnson, . . .	Lynn.
21.	Raymond Lot Hall, alias Raymond Lee Hall,* . . .	Edward Raymond Bunton, . . .	Lynn.
21.	Ralph Alexander Paquin, alias Ralph Fremont Paquin,* . . .	Ralph Fremont Perry, . . .	Haverhill.
21.	Govsan Kulevsky, . . .	George Kline, . . .	Gloucester.
21.	George Arthur Thompson,* . . .	Donald Sands, . . .	Dennis.
Oct. 1.	Zelda May Stewart,* . . .	Lillian True Weymouth, . . .	Lynn.
12.	Doris Slocum Churchill,* . . .	Doris Martell, . . .	Newbury.
19.	Irene May Lindberg,* . . .	Irene May Ledwell, . . .	Lynn.
Nov. 16.	Louis Gershovitz, . . .	Louis Gershaw, . . .	Salem.
16.	Marie Nelsen,* . . .	Helen Agnes Tibbetts, . . .	Boston.
16.	Louise P. Dow,* . . .	Louise Dow Davis, . . .	Salem.
Dec. 3.	Frances Hall,* . . .	Ruth Frances DeCoster, . . .	Boston.
7.	Mary Hallie Smith,* . . .	Mary Hallie Austin, . . .	Lawrence.
7.	Mae Russ Morse, alias Mae Russ Hunt,* . . .	Elmenia Mae Lee, . . .	Lynn.
7.	Joseph Charles Lopes, . . .	Joseph Charles Thomas, . . .	Manchester.
7.	Mary Ellen (Buckley) Lopes, . . .	Mary Ellen Thomas, . . .	Manchester.
7.	Ruth Eileen Thomas,* . . .	Ruth Eileen Thomas, . . .	Manchester.
10.	Hope Lewis,* . . .	Martha Colby Shepherd, . . .	Boston.
21.	Orazio Garfi,* . . .	John Romeo, . . .	Lawrence.
31.	Simon Rubinovitch, . . .	Simon Robinson, . . .	Lynn.
31.	Grace Macdonald,* . . .	Mary Estelle Thibideau, . . .	Salem.

## FRANKLIN COUNTY.

Jan. 7.	Hazel Nana Arms,* . . .	Hazel Nana Frink, . . .	Deerfield.
July 7.	Elizabeth Abramson,* . . .	Myra Elizabeth Sanderson, . . .	Whately.
Oct. 20.	Gertrude McMurdy,* . . .	Gertrude Bernice Frary, . . .	Bernardston.

\* Changed by reason of adoption.

## CHANGE OF NAMES.

## HAMPDEN COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1908.</b>			
Jan. 8,	Walter Barron Marshall, .	Walter Barron Root, .	Springfield.
Feb. 5,	Theodore Orvil Decker,* .	Theodore Edward Locke, .	Springfield.
5,	Jerome Bonaparte La Pointe,* .	Jerome Bonaparte Pomeroy, .	Springfield.
April 1,	Lloyd Ash,* .	Clark Elliott Van Allen, .	Springfield.
1,	Clarence Frederick Mayhew,* .	Clarence Frederick Patterson, .	Springfield.
9,	Florence Coutue,* .	Coolene May Clough, .	Springfield.
15,	Alice Davis,* .	Alice Allen, .	Holyoke.
17,	Margaret Elizabeth Bishop,* .	Margaret Elizabeth Pomeroy, .	Springfield.
22,	Florence Ellen Drummey,* .	Florence Ellen O'Leary, .	Palmer.
May 6,	Evelyn May Burt,* .	Ruby Sinclair McKee, .	Springfield.
6,	Clara Crafts,* .	Clare Mildred Johnson, .	Holyoke.
6,	Joseph John Wade,* .	Joseph John Shea, .	Springfield.
June 8,	Moses Beauchamp, .	Moses Fairfield, .	Holyoke.
17,	Madelyn Elizabeth Comette,* .	Madelyn Elizabeth Berry, .	West Springfield.
July 1,	Thomas Henry Holbrook,* .	John Francis O'Brien, .	Springfield.
1,	Annie Donoghue,* .	Viola Kingsley Carter, .	Holyoke.
Sept. 2,	Mabel Catherine Thompson, .	Mabel Catherine Knight, .	Springfield.
2,	John Clayton Thompson, Jr.,* .	John Clayton Knight, .	Springfield.
16,	Marjorie May Sylley* (born Marjorie May Miller), .	Marjorie Scott McGilp, .	Palmer.
16,	Leverett Elbert Card, .	Leverett Elbert White, .	Springfield.
Oct. 7,	Letchia Doris Balcorn, alias Elizabeth D. Balcorn,* .	Florence Elizabeth Wright, .	Palmer.
7,	Bessie Eileen Winans,* .	Eileen Winans Hunt, .	Springfield.
21,	Alice Mason,* .	Alice Brunson, .	Springfield.
21,	Arline Walker,* .	Arline Walker Krug, .	Holyoke.
Dec. 2,	George Clark Yearly, .	Henry West Yearly, .	Springfield.
16,	Sarah Eliza Moldt, .	Sarah Eliza Read, .	Springfield.

## HAMPSHIRE COUNTY.

Jan. 7,	Ida Bannigan,* .	Belle O'Neil, .	Northampton.
Feb. 4,	Edgar Lindwood Hardy,* .	Edgar Maurice Shumway, .	Belchertown.
4,	Merton Winfred Hardy,* .	Merton Edwin Shumway, .	Belchertown.
March 16,	Walter E. Ferguson,* .	Clayton Homer Bolter, .	Belchertown.
April 7,	Leroy Foss,* .	Elmer Leroy Eaton, .	Northampton.
7,	Aurore Blais,* .	Aurore Lapoint, .	Easthampton.
May 19,	Caroline Werner,* .	Minnie Caroline Barrus, .	Goshen.
Aug. 4,	Anna Hegele, alias Anna Heigle,* .	Anna Leonore Hoyt, .	Amherst.
4,	Cora Côté, .	Cora Garduer, .	Belchertown.
Nov. 4,	Silas Marble Boshan,* .	Silas Marble Spaulding, .	Southampton.
Dec. 1,	Amelia Turner Candlin,* .	Mildred Turner Sheldon, .	Southampton.
8,	Walter Campbell,* .	Walter Campbell Pierce, .	Belchertown.

## MIDDLESEX COUNTY.

Jan. 2,	Nettie May Rugg,* .	Nettie May Pope, .	Worcester.
2,	Hilda E. C. Wengren,* .	Hilda Christina Fuller, .	Malden.
8,	Harold Gourley,* .	Walter James Murray, .	Boston.
15,	Nellie M. Cochran, .	Mary Ellen Parker, .	Somerville.
16,	Ruth Carleton Woodcock,* .	Bertha Cutts, .	Boston.
28,	Chancelina Peddle, alias Chancelina Pelley,* .	Helen Marjorie Cutting, .	Lynn.
Feb. 3,	Margery Helen Morrill,* .	Grace Helen Green, .	Winchester.
5,	Margaret Donahue,* .	Margaret Foley, .	Watertown.
18,	Helen Melvin,* .	Helen Grace Brown, .	Lowell.
19,	Arthur Wotton,* .	Arthur Henry Morse, .	Boston.
26,	Dorothy Stinson,* .	Dorothy Owen, .	Boston.

\* Changed by reason of adoption.

## CHANGE OF NAMES.

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## MIDDLESEX COUNTY—Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1908.</b>			
Feb. 27.	Gertrude Louisa Sisson,*	Gertrude Louisa Emery,	Boston.
March 2.	Mary Elizabeth Cary,*	Mary Elizabeth Lane,	Boston.
6.	Gladys Burrill,*	Gladys May McKinley,	Everett.
11.	Archibald Jass,*	John Archibald Ivester,	Melrose.
11.	Paul Revere Burke,*	Chester John Coulter,	Boston.
13.	Mary Emily Duarte,*	Mary Duarte Paul,	Somerville.
17.	John James Butler,*	John James Butler Crawford,	Cambridge.
18.	Arthur J. Adam,*	Arturo Alberto Guarino,	Lowell.
April 6.	Ralph C. Wight,*	Ralph Chester Harthertz,	Sherborn.
6.	Margaret Howard,*	Margaret Elizabeth Crickard,	Everett.
15.	Kenneth Chickering,	George Kenneth Walker,	Hubbardston.
15.	Albert Henry Drake,*	Albert Henry Clay,	Stoneham.
15.	Helena Alexander Black,*	Helena Isabella Greene,	Boston.
16.	Cecelia Lorden,*	Cecelia Lorden McLelland,	Cambridge.
21.	Gertrude M. Shelvey,*	Gertrude May Howes,	Chelmsford.
27.	Joanna Madigan,	Josephine Robinson,	Cambridge.
May 5.	Helen Weeman,*	Natalie Sheldon,	Newton.
19.	Hildred G. Shaw,*	Hildred Shaw Kinney,	Lowell.
19.	Alice Walsh,*	Alice Margaret Kelley,	Lowell.
20.	Vivian Ella Pratt,*	Grace Elizabeth Avery,	Belchertown.
20.	Mary Kinery,*	Audrey Cummings,	Lynn.
20.	Mary Eliza Isely,*	Mary Isely Eastaman,	Somerville.
20.	Mary Herlihy,*	Mary Coyne,	Wakefield.
29.	Albina Kaviloski, alias Albine Kowolewsky, alias Albine Kowabowski,*	Mary Albina Murphy,	Holyoke.
29.	Ambrose St. Joseph,*	Frederick Ambrose Cummings,	Boston.
June 1.	Gladys Donohoe,*	Gladys Elizabeth Wright,	Springfield.
1.	Gertrude Helen Beaven,*	Gertrude Helen Bailey,	Cambridge.
2.	Martin Curley,*	Martin Curley McCarthy,	Boston.
3.	Baby Starkenberg,*	Hope Gregory,	Boston.
5.	Madeline Harriet Leet,*	Vesta Madeline Goodwin,	Boston.
9.	George Mullen,*	George M. Bagan,	Cambridge.
9.	Joseph Silva,*	Joseph John Deganne,	Boston.
16.	Hazel Anna Shelvey,*	Jeanie Belle Felton,	Chelmsford.
16.	Jennie T. MacKenzie,	Jennie T. Upham,	Lowell.
17.	Thelma Adsit,*	Thelma King,	Boston.
18.	Blanche Nelder,*	Blanche Osborne,	Boston.
18.	William O'Connor,*	Roland Earl Boucher,	Boston.
19.	Annie Cora Simmons,*	Annie Irene Seption,	Harwich.
July 2.	George Albert Cole,*	George Cole Damon,	Atkinson, N. H.
6.	Marion Manola Yeo,*	Ruth Marion Kenison,	Boston.
6.	Catherine Connors,*	Viola Batson,	Medford.
13.	Ralph Prescott Heard, alias Ralph Costello,*	Ralph Prescott Heard,	Weston.
15.	Natalie Grace Loring Sweat,*	Natalie Grace Loring Emerson,	Everett.
15.	Thomas Vincent Jordon,*	Jordon Vincent McKinnon,	Newton.
21.	Albert Garcia,*	Albert Rosa Vieira,	Lowell.
22.	Ralph Elliott Cline,*	Ralph Elliott Cline Cassity,	Cambridge.
24.	Charles Star Landers,	Charles Adams Landers,	Somerville.
29.	Mora Colt, alias Bessie Bliss, alias Bessie Pike,	Mary Tanswell,	Malden.
Aug. 3.	Paul Rodney Marshall,*	Paul Rodney Hilton,	Watertown.
14.	Almy Morrill Carter,	Morris Carter,	Woburn.
Sept. 14.	_____*	Hazel Wilson,	Pepperell.
14.	Evelyn Bassett,*	Florence Evelyn Crowell,	Framingham.
16.	Alice Lillian Walker,*	Alice Lillian Warren,	Taunton.
16.	Edwin Carter,*	Edwin Carter Kirby,	Boston.
16.	Elizabeth Gore,*	Grace Olive Smith,	Cambridge.
16.	Daniel O'Neill,*	Daniel Louis Smith,	Boston.
16.	Mary E. Hines,*	Mary E. Babbins,	Newton.
16.	Joseph Wilbert Edmester,	William Joseph Edmester,	Everett.
18.	Maybelle Fulton Watson,*	Maybelle Watson Whitehouse,	Malden.
18.	Frederick Morrill Judkins,*	Frederic Milton Gore,	Boston.
21.	Jennie Balfour,*	Louise Helen Fulton,	Dighton.
21.	Harriet Balfour,*	Harriet Esther Hammond,	Boston.
21.	Ethel M. Lybeck,*	Ethel Maria Anderson,	Wakefield.
21.	Lillian Simon,*	Dorothy Wyman,	Maynard.

\* Changed by reason of adoption.

## CHANGE OF NAMES.

## MIDDLESEX COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1908.</b>			
Sept. 25,	Eunice Margaret Donovan,*	Eunice Margaret Curran,	Boston.
28,	Grace Darling Clarke,*	Grace Densmore,	Arlington.
Oct. 6,	Arthur Victor Allen,*	Arthur Victor Garland,	Cambridge.
6,	Michael Sullivan,	Michael McCarthy,	Lowell.
7,	Milton Joseph Davis,*	Milton Joseph Porter,	Boston.
12,	Beatrice Chandler,*	Beatrice Jackson,	Newton.
12,	Sylvia Chandler,*	Sylvia Jackson,	Newton.
13,	Alarie Carleton Bailey,*	Carleton Bailey Engel,	Arlington.
13,	Grace M. Quimby,*	Grace M. Estabrook,	Lowell.
23,	Vincent R. Prouty,*	Theodore Lewis,	Boston.
28,	Franklin O. Pluff, alias Frank- lin O. Fisher,*	Walter Frank Allen,	Marlborough.
28,	Marion F. Peters,*	Marion F. Classen,	Boston.
Nov. 5,	Walter Forrest,*	Walter Earl Moore,	Boston.
11,	William Theodore Tiffany,	William Theodore Sampson,	Melrose.
13,	William Edgar Gallagher, alias Collins,*	William Edgar Gerrish,	Dorchester.
25,	Lucinda E. Wayne,	Lucinda E. Best,	Somerville.
30,	Eva Foley,*	Ruth Adams,	Saugus.
Dec. 1,	Bertha May Oaks, alias Bertha A. Oaks,*	Bertha Marguerite Hedlundth,	Warren.
2,	Charles W. Sisson,*	John Philip Ives,	Boston.
4,	Henry I. Movshowitz,	Henry I. Morrison,	Malden.
8,	Gustavus William Stenborg,	William Gustavus Stearns,	Malden.
9,	Mary Yvonne Hebert,*	Mary Vera La Fond,	Chicopee.
9,	Lillian Ashton,*	Lillian Fletcher Newsam,	Worcester.
14,	Catherine Read,*	Albertha Poindexter,*	Cambridge.
15,	Marion Goodell,*	Marion Estelle Morrison,	Worcester.
21,	Samuel Francis McArthur,	Samuel Francis Macomber Ar- thur,	Cambridge.
21,	Joseph Ribeiro,	Joseph Brooks,	Cambridge.
22,	Olive F. Bishop,*	Olive Francis Bishop Frye,	Malden.
29,	Rose Elizabeth Evelyn,*	Rose Elizabeth Sherman,	Lowell.
31,	Matilda E. Owens,*	Matilda Elizabeth Sennett,	Cambridge.

## NORFOLK COUNTY.

Jan. 8,	Annie Reagan,*	Mabel Annie St. Cyr,	Hyde Park.
Feb. 5,	James H. Sargent,*	James Henry Lowry,	Canton.
5,	Winthrop Davis,	John Winthrop Davis,	Milton.
March 4,	Anita Matthews,*	Anita Matthews Chestnut,	Dedham.
4,	Ethel Adelaide Spencer,*	Bessie Adelaide Walker,	Needham.
25,	Jacob Lowe,	John Jacob Lyons,	Brookline.
25,	Joseph Dorman Eaton,	Joseph Jordan Eaton,	Quincy.
25,	Dorothy Jane McDonald,*	Dorothy Jane Cull,	Dedham.
May 6,	Marion Elizabeth Tozier,*	Marion Elizabeth Marshall,	Wellesley.
13,	Gladys Brown,*	Katie Josephine MacNeill,	Holbrook.
June 3,	Dorcas Jones,*	Maud Burt Stowell,	Quincy.
3,	Stella Rose,*	Stella Baro,	Franklin.
10,	Lettie A. Fuller,	Alice L. MacKay,	Sharon.
July 1,	George Fisher,*	Percy George Pike,	Dedham.
22,	Hazel Florence Collins,	Hazel Gaylord Collins,	Brookline.
22,	Harold Parker Bass,	Jason Parker Bass,	Hyde Park.
Sept. 29,	Ruth Metzenroth,*	Ruth Hislop,	Hyde Park.
Oct. 2,	Selwyn F. Streeter,	Selwyn F. Orcutt,	Hyde Park.
7,	Lottie Elizabeth Williams,	Charlotte Elizabeth Williams,	Brookline.
21,	Ruth Alice Tracey,*	Ruth Alice Phelps,	Dover.
28,	Caleb Maskell Bates,	Lorui Maskell Bates,	Wellesley.
28,	Louis Ethelbert Bates,	Roger Ethelbert Bates,	Wellesley.
Nov. 4,	Antony J. Thonoganny,	Antony J. Thompson,	Quincy.
18,	George Taggart,*	George Edwin Adams,	Stoughton.
Dec. 9,	Charles Edward Thompson,*	Edward Thompson Gillis,	Quincy.
9,	Rose Harty,*	Rose Messenger,	Braintree.
23,	Dorothy Elizabeth Barker,*	Alice Rand,	Bellingham.

\* Changed by reason of adoption.



## PLYMOUTH COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1908.</b>			
Jan. 27.	Jessie Kelley,*	Marjorie Bixby Thompson,	Brockton.
Feb. 24.	Mary Elizabeth Trainor,*	Mary Elizabeth McNamee,	Brockton.
24.	Richard Earle,*	Daniel Robert Clark,	Harrisburg, Pa.
March 23.	Joseph Andrews Baxter,*	Joseph A. Andrews, Jr.,	East Bridgewater.
23.	Mildred Francis Bates,*	Mildred Bates Damon,	Hanover.
April 13.	Fannie Lincoln Ford,*	Lucy Lincoln Weatherbee,	Scituate.
May 11.	Dorothy Beatrice Shepherd,*	Beatrice Shepherd Ripley,	Whitman.
11.	Lulu Alberta Torrey,*	Lulu Alberta Tower,	Whitman.
25.	Estacio Vieira Maciel, Jr.,*	Estacio Maciel Ferreira,	Brockton.
July 13.	Herbert Fay,*	Herbert Drukenbrod,	Kingston.
Sept. 14.	Carrie Dorothy Campbell,*	Carrie Dorothy Hickey,	Plymouth.
28.	Mattie Stella Due,	Clara Grace Williams,	Brockton.
Nov. 9.	Hazel Magda Robinson,*	Hazel Magda Bond,	Brockton.
Dec. 28.	Jennie T. McNevins,	Jennie Thatcher Sampson,	Lakeville.

## SUFFOLK COUNTY.

Jan. 1.	— Carty,*	Dorothy Midgley,	Boston.
3.	Leo Mulligan,	Leo Jordan,	Boston.
9.	Charles F. Kelly,	Charles F. Warnock,	Boston.
9.	Mary E. Kelly,	Mary E. Warnock,	Boston.
9.	William Tudor, Jr.,	John William Tudor,	Boston.
16.	Ivan Hedges Webber Thompson,*	Ivan Hedges Webber-Thompson,	Boston.
23.	Adella Blanche Cornwall,*	Adella Annie May Hickman,	Boston.
27.	Mary Taber,*	Hazel May Moore,	Boston.
30.	Florence McInnis,*	Esmeralda Paszynsky,	Boston.
30.	Blanche May Lowery,*	Blanche May Culbertson,	Boston.
Feb. 6.	Tessie Epstein, alias Tessie Frame,*	Tessie Thompson,	Boston.
6.	Eugene James Lagomarsino,	Eugene James Lakernarsin,	Boston.
6.	Benjamin Moskowitz,	Benjamin Morse,	Boston.
13.	Pearl Rachel Nimmo,*	Lillie Pearl Crossen,	Boston.
13.	George Finkelstein,	George Louis Finn,	Chelsea.
20.	Maurice Solomon,	Maurice Solomon Benjamin,	Boston.
20.	Harry Solomon,	Harry Solomon Benjamin,	Boston.
20.	Joseph Markowitz,	Joseph Marks,	Boston.
20.	Pearl Manuel,*	Barbara Wallace Shaw,	Boston.
20.	Robert Brophy,*	Robert Shea,	Boston.
20.	Evelyn Lewis,*	Evelyn Leona Macomber,	Boston.
March 3.	Ruth M. Hickey,*	Ruth M. Wilson,	Boston.
3.	Charles F. Hickey,*	Charles F. Wilson,	Boston.
5.	Terrence P. McNeil,	Terrence McNeil,	Boston.
5.	Marjorie Hill,*	Marjorie May Hall,	Boston.
5.	Paul Sheridan,*	Paul George Fegan,	Fall River.
5.	Joseph Czizlis or Cyglass,*	Joseph Flavin,	Lowell.
11.	Josephine G. Cunningham,*	Josephine Gertrude Gilmore,	Boston.
12.	Edward Leon Welch,*	Edward Everett Gaines,	Boston.
19.	Caroline Brown Atwood,*	Caroline Brown Dana,	Boston.
19.	John Albert Picha,	John Albert Peters,	Boston.
26.	James J. Doele,	James Joseph Kelly,	Boston.
26.	Charles A. Koschitzky,	Charles A. Koe,	Boston.
26.	Mary Koschitzky,	Mary Koe,	Boston.
26.	Robert Sibley Morse,	Sibley Littig,	Boston.
26.	Hazel Louise Atwood,*	Ruth Hazel Gilbert,	Boston.
April 2.	Agnes Evelyn Gallagher,*	Agnes Margaret Surette,	Boston.
2.	Alice Wood,*	Elva Annie Ramey,	Boston.
9.	Ernest Richmond Lewis,	Ernest Richmond Buffinton,	Winthrop.
9.	William Jamieson,	William Asa Doane,	Boston.
9.	Olga M. Garlius,	Olga M. Anderson,	Boston.
16.	Ralph Whitney Henderson,*	Ralph Whitney Tracy,	Boston.
23.	Joseph J. Boynton,	Joseph J. Raymond,	Boston.
23.	Frank Catlin,	Frank Brown Crocker,	Boston.

\* Changed by reason of adoption.

## SUFFOLK COUNTY — Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1908.</b>			
Apr. 23,	George J. Heldt, . . .	George J. Gilmore, . . .	Boston.
23,	Gertrude M. McGregor, . . .	Gertrude M. Tufts, . . .	Boston.
23,	Miriam Rosenstein, . . .	Miriam Ross, . . .	Boston.
23,	Max M. Rosenstein, . . .	Max M. Ross, . . .	Boston.
30,	Louis M. Wood, . . .	Louis Miles Dammers, . . .	Chelsea.
May 14,	Winnefred Delworth,* . . .	Hope Evelyn Sword, . . .	Boston.
18,	Archie Horace Willett,* . . .	Archie Horace Bean, . . .	Boston.
21,	Lillian I. Anderborg,* . . .	Lillian I. Anderson, . . .	Cambridge.
21,	Anna G. Judkins, . . .	Anna Judkins Andrews, . . .	Boston.
28,	Robert Robinson,* . . .	Robert O'Sullivan, . . .	Boston.
28,	Bessie Wilschinsky,* . . .	Tessie Victor, . . .	Boston.
June 3,	Stanley Nichols,* . . .	Harold Stanley Frye, . . .	Winthrop.
4,	Louis Henry Dearborn, . . .	Henry James Morris, . . .	Boston.
4,	Clarence Bernard Baldwin, . . .	Stephen Henry Brice, . . .	Boston.
5,	Albert Poe Brosnahan,* . . .	James Randolph Bower, . . .	Boston.
8,	Joseph Slatrovitch, . . .	Joseph Slatrow, . . .	Boston.
11,	Alice Marion Atwell,* . . .	Alice Atwell Flint, . . .	Boston.
15,	Aaron Louis Ostrovsky, . . .	Aaron L. Strauss, . . .	Boston.
18,	Robert M. Higginson, . . .	Robert M. Clarke, . . .	Boston.
18,	Celia de Beaumont,* . . .	Celia A. Ward, . . .	Ipswich.
18,	Mary E. Reed,* . . .	Fannie Elida Durrell, . . .	Weymouth.
19,	Esther Mabel Reynolds,* . . .	Esther Mabel Holman, . . .	Mansfield.
25,	Francis L. Heffernan, . . .	Francis Leon, . . .	Boston.
25,	Joseph Anthony Flanagan, . . .	Joseph Anthony Tufts, . . .	Boston.
25,	Blanche E. Gallagher,* . . .	Blanche G. Minuto, . . .	Boston.
25,	Adolph A. E. Goudy,* . . .	Edmond Amédé Dreyfus, . . .	Boston.
25,	Elizabeth C. Birkenmeyer,* . . .	Caroline Elizabeth Brusendorff, . . .	Boston.
July 2,	Louis M. S. Rasmussen, . . .	Louis M. S. Hall, . . .	Boston.
9,	Alfred Cate,* . . .	Alfred Cate Koerber, . . .	Boston.
9,	Oswald Adolph Francis,* . . .	Oswald Adolph Krause, . . .	Boston.
9,	Sadie Stretton Rowley, . . .	Sadie Stretton Baker, . . .	Boston.
9,	Samuel Newcomb Rowley, . . .	George Newcomb Baker, . . .	Boston.
9,	Jacob Wingersky, . . .	John J. Wing, . . .	Boston.
10,	Charles E. Hale,* . . .	Charles Hale Foster, . . .	Boston.
23,	Israel Shapira, . . .	Ira William Shapira, . . .	Boston.
23,	Louise M. Goynes,* . . .	Louise Marion Edmands, . . .	Boston.
23,	Harry Seymour,* . . .	Harry E. Stoddard, . . .	Boston.
30,	Danti Nava,* . . .	Danti Tassinari, . . .	Boston.
30,	Eva Nava,* . . .	Eva Tassinari, . . .	Boston.
31,	Helen J. McKenzie,* . . .	Helen E. Aaronson, . . .	Boston.
Aug. 20,	Cora Lincoln Adamson, . . .	Cora Lincoln Cudworth, . . .	Boston.
20,	Carl Svenson, . . .	Carl Harold, . . .	Boston.
20,	Gertrude Svenson, . . .	Gertrude Harold, . . .	Boston.
20,	John Nelson Sullivan, . . .	John Munro Nelson, . . .	Boston.
20,	Madaleine O'Grady,* . . .	Madaleine McCallum, . . .	Boston.
20,	Carl Daniel Clark,* . . .	Carl Daniel Bowen, . . .	Boston.
20,	Alice Theresa Watson,* . . .	Alice Theresa Hardy, . . .	Boston.
20,	Mary Warren,* . . .	Mary Agnes Galvin, . . .	Boston.
20,	Marjorie Tilton,* . . .	Marjorie Tilton Underwood, . . .	Boston.
Sept. 3,	Grace Lang McClintock, . . .	Grace Lang Coffin, . . .	Boston.
3,	David Cohen, . . .	David Papert, . . .	Boston.
3,	Mary E. Lynch, . . .	Mary E. Lee, . . .	Boston.
3,	William Fallon,* . . .	William Moore, . . .	Boston.
3,	James Mitchell,* . . .	James Patrick Keddy, . . .	Boston.
3,	Grace Evelyn Stubbs,* . . .	Grace Evelyn Sawyer, . . .	Malden.
3,	George Sullivan,* . . .	John Chapski, . . .	Boston.
8,	Gertrude Swett,* . . .	Virginia M. Schroeder, . . .	Boston.
10,	Grace Genevieve Washburn,* . . .	Grace Genevieve Ernst, . . .	Boston.
11,	Ruth McIntosh,* . . .	Ruth Frederickson, . . .	Boston.
17,	John Cullin,* . . .	John Landers Stewart, . . .	Boston.
17,	Francis Caldwell,* . . .	Francis Warren Conlin, . . .	Boston.
17,	Josephine V. McCormack,* . . .	Josephine V. McDonald, . . .	Boston.
17,	Frank Devine,* . . .	Frank Lufkin Taylor, . . .	Boston.
17,	Margaret Kimball,* . . .	Dorothy Rosemary Kirtland, . . .	Boston.
17,	Samuel Rubinovitz,* . . .	Samuel Robinson, . . .	Boston.
17,	Sarah Kripitzter, . . .	Sarah Levin, . . .	Chelsea.
17,	Levin Kripitzter, . . .	Louis Levin, . . .	Chelsea.
17,	Isydor Boyarsky, . . .	Isydor Brown, . . .	Boston.

\* Changed by reason of adoption.

# CHANGE OF NAMES.

985

## SUFFOLK COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1908.</b>			
Sept. 17.	Nettie Boyarsky, . . . .	Nettie Brown, . . . .	Boston.
18.	Jessie Johnson, . . . .	Jessie Johnson Lake, . . . .	Boston.
24.	Walter Leatherbee Leighton, . . . .	Walter Larrabee Leighton, . . . .	Boston.
24.	Charles E. Grover,* . . . .	Leslie Charles Blakely, . . . .	Boston.
25.	Margaret Garvin,* . . . .	Alice Connors, . . . .	Boston.
Oct. 1.	Hoctor,* . . . .	Elizabeth May Eisner, . . . .	Boston.
1.	Nathan Goldstein, . . . .	Nathan Golden, . . . .	Boston.
1.	Nathan Godinsky, . . . .	Nathan Gale, . . . .	Boston.
1.	Alice L. Bertie,* . . . .	Grace Gilbert, . . . .	Boston.
6.	Joseph Farren,* . . . .	Joseph P. Doherty, . . . .	Boston.
8.	John Johnson,* . . . .	John Sullivan, . . . .	Boston.
8.	Louis Rosenberg, alias Louis Berger,* . . . .	Louis Levendorf, . . . .	Boston.
8.	Meyer Blumenfeld, . . . .	Myer Bloomfield, . . . .	Boston.
8.	Mabel Bulzariello, alias Buzzerino,* . . . .	Inez Mabel Padovani, . . . .	Boston.
8.	Alice M. Hyde, . . . .	Alice M. Riley, . . . .	Boston.
12.	Eben W. Burnstead, . . . .	Eben W. Burnstead, . . . .	Boston.
15.	Israels Daniels, . . . .	Edward Daniels, . . . .	Boston.
15.	Marks Cohen, . . . .	Marks J. Kagan, . . . .	Boston.
20.	Beulah R. Clark,* . . . .	Beulah R. Jones . . . .	Boston.
22.	Louis Isaac Zif, alias Louis Isaac Berkowitz, . . . .	Louis Isaac Beckwith, . . . .	Boston.
22.	Catherine Brennan,* . . . .	Helga Ingegerd Sunderland, . . . .	Boston.
22.	Louis Katsenburg,* . . . .	Louis Kaston, . . . .	Boston.
23.	David Markowitz, . . . .	David Markson, . . . .	Boston.
29.	Samuel Tveashor, . . . .	Samuel Arthur Shaw, . . . .	Boston.
29.	Lucy M. Duggan,* . . . .	Lucelle Martha Tulloch, . . . .	Boston.
29.	Vasil Mucaeos, . . . .	Vasil MacKay, . . . .	Boston.
29.	Katherine Richardson,* . . . .	Doris A. Clark, . . . .	Revere.
29.	Dora Hastings,* . . . .	Gertrude M. Bryanton, . . . .	Boston.
Nov. 9.	George Miller, . . . .	George Henry Miller, . . . .	Boston.
12.	Blanche Wilma Lindeblad,* . . . .	Blanche Wilma Pehrson, . . . .	Boston.
12.	Sadie Smith Kenney,* . . . .	Sadie Ross Kenney, . . . .	Somerville.
12.	Carl A. Pshtz, . . . .	Carl A. Bates, . . . .	Boston.
12.	Mary A. Norton,* . . . .	Mary Alice Moran, . . . .	Boston.
12.	Mary J. Cantwell,* . . . .	Mary J. Shine, . . . .	Boston.
17.	May Gertrude Quirke,* . . . .	Helena Bailey, . . . .	Boston.
17.	Annie Flaherty,* . . . .	Annie Joyce, . . . .	Boston.
19.	Henry Burton,* . . . .	Chester Curtis Wood, . . . .	Boston.
19.	Melville Allen Goss,* . . . .	Roger Armand McClure, . . . .	Beverly.
19.	Maynard Earle Goss,* . . . .	Robert Parmar Whiting, . . . .	Beverly.
19.	Beatrice Follett,* . . . .	Kathyn Beatrice Regan, . . . .	Haverhill.
24.	Lillian May Smith,* . . . .	Lillian May Athias, . . . .	Boston.
25.	Pearl Lucia Farrigan,* . . . .	Helen Elizabeth Titus, . . . .	Boston.
27.	William Frank Glancy,* . . . .	Richard Allan Watson, . . . .	Brockton.
Dec. 3.	Meyer Lipschitz, . . . .	Meyer Lipsett, . . . .	Boston.
3.	Esther Lipschitz, . . . .	Esther Lipsett, . . . .	Boston.
3.	Ellen O'Rourke, alias Ellen McCabe,* . . . .	Helen Glavin, . . . .	Boston.
3.	Mary E. Heaney, alias Griffin,* . . . .	Monica Mooney, . . . .	Boston.
3.	Viola Sherman Perry,* . . . .	Viola Frances Baxter, . . . .	Boston.
3.	Avis Lawry, . . . .	Shirley Corinne Kirtland, . . . .	Boston.
3.	Minnie V. Weldon, . . . .	Viola Lida Simpson, . . . .	Boston.
4.	Raymond Sloane,* . . . .	Douglas Labree McCarthy, . . . .	Boston.
10.	Leslie MacDonald,* . . . .	Alfred Leslie Binden, . . . .	Boston.
10.	William W. Clark, . . . .	Walter M. Elliott, . . . .	Rutland.
10.	Florence Joyce,* . . . .	Edith May Allen, . . . .	Boston.
10.	Henry H. Richardson,* . . . .	Henry H. Miller, . . . .	Boston.
10.	Theodore Johnston,* . . . .	John H. Taylor, . . . .	Boston.
24.	Dora Pucowitz, . . . .	Dora Parker, . . . .	Boston.
24.	Aaron Pucowitz, . . . .	Aaron G. Parker, . . . .	Boston.
24.	Edna C. Atwood,* . . . .	Kathryn Edna Gates, . . . .	Boston.
28.	Helen M. Mackay,* . . . .	Helen M. Poole, . . . .	Boston.
31.	John T. Immanuel Petersen Therkildsen,* alias George Theodore Petersen,* . . . .	Carl Albert Olsen, . . . .	Boston.
31.	Thomas Dooley,* . . . .	Thomas Richardson, . . . .	Boston.

\* Changed by reason of adoption.

## WORCESTER COUNTY.

Date of Decree.	Original Name.	Name Deceased.	Residence.
<b>1908.</b>			
Jan. 1.	Elizabeth Tarbell Ward,*	Elizabeth Tarbell Goodspeed,	Winchendon.
3.	Donald Matthews,*	Donald Graham,	Hampden, Can.
11.	Joseph Donate Wilfred Allard,*	Joseph Wilfred Jackson,	Clinton.
14.	Frances Snow,*	Marian Marsh,	Worcester.
28.	John Dubois,	John Dubois Wood,	Worcester.
Feb. 4.	Mildred Irene Smith,*	Mildred Irene Bemis,	Athol.
4.	Earle Keyes,*	Earle Edward Killion,	Milford.
5.	John Harry Agym,*	John Harry Atherton,	Fitchburg.
10.	Jennie Dasher,*	Jennie Douglas,	Worcester.
17.	Arthur Wesley Bryant,*	Charles Rodney Campbell, Jr.,	Worcester.
25.	Hartley Harris Bartlett,	Hartley Williams Bartlett,	Worcester.
28.	Jacob Wilensky,	Jacob Willins,	Worcester.
March 3.	Lillian Bartholdi,*	Lillian Bartholdi Phaneuf,	Winchendon.
3.	Theodore F. Chickering,*	Arthur Edson Sauler,	Brookfield.
10.	George Morrison,*	Ernest George Foote,	Charlton.
31.	Raymond Russell,	Raymond Field Russell,	Worcester.
April 8.	Edward Boucher,*	Edward Chandonnait,	Uxbridge.
11.	Gertrude M. Perkins,*	Gertrude Myrtle Marble,	Sutton.
17.	Dorothy L. Miner,*	Dorothy Lila Chilson,	Oxford.
May 2.	Margueritte Pons,*	Rebecca Marguerite Clark,	Princeton.
5.	Binat Garodasky,	Benjamin Horin,	Worcester.
5.	Mary Etta Powers, alias Mazie Powers,	Mary Eleanor Randall,	Grafton.
7.	Kate Monnahan,	Kate Manning,	Clinton.
11.	Mary Myrtle MacNutt,*	Mary Myrtle Dolezal,	Athol.
12.	Lena O'Brien,*	Lena Nevins,	Warren.
13.	Elizabeth Loring,*	Elizabeth Loring Keyes,	Worcester.
18.	Ardice Marion Day,*	Eleanor Mertice Atherton,	Holden.
26.	William Joseph Daby,*	William Daby Gorman,	Fitchburg.
June 6.	Gordon Richard Rowe,*	Gordon Richard Rice,	Westborough.
10.	Raymond Richard,*	William James Wilson,	Barre.
16.	Robert Bothwell Burnley,*	Herbert Jasper Burnley,	Fitchburg.
16.	Thomas Arthur Herbert Young,	Frank Woods,	Leominster.
16.	John Joseph Mitchell, alias Joseph Donovan,*	John Joseph McGee,	Sterling.
July 3.	Annie E. Plummer,*	Annie Evelyn Rees,	Worcester.
13.	Mildred Lynn,*	Mildred Leno,	Sturbridge.
23.	Nathan Marks,	Nathan Marcus,	Milford.
28.	Gladys Ann Mulvey,*	Gladys Annie Cunningham,	Worcester.
31.	Walter S. Sutherly,*	Walter Scott Chase,	Worcester.
Aug. 25.	Fred Curran,*	Martin Gunner Peterson,	Southbridge.
Sept. 1.	William Lawrence Frye,	William Lawrence Carter,	Northbridge.
2.	Marguerite Fitzgerald,*	Marguerite Dolphin,	Lancaster.
8.	Gladys Tuck,*	Gladys Dorothea Mingo,	Southborough.
8.	Francis Shorter,*	William Francis Schneider,	Woonsocket, R. I.
8.	Patronia Bakesius,*	Mary Evelyn Montplaisir,	Gardner.
8.	Jesse Wright Taylor,	John Wright Taylor,	Worcester.
18.	Eva Clarice Montville,*	Eva Clarice Newell,	Douglas.
Oct. 5.	Clifford Jesse Braiman,*	Clifford Braiman Eddy,	Petersham.
6.	Carl Waldemar Beckman,*	Carl Waldemar Johnson,	Worcester.
8.	Aleva Louise Colburn,*	Gertrude Louise Austin,	Northbridge.
13.	Norman Gerhard Jensen,*	Norman Gerhard Strom,	Worcester.
Nov. 25.	Clara Loretta Melia,*	Clara Loretta Small,	Sutton.
25.	Dorothy Ethel Rivers,*	Dorothy Ethel Aiken,	Berlin.
Dec. 8.	Ellen Lillian Helberg,*	Ellen Lillian Keith,	Oxford.
9.	Abraham Pokashofsky,	Abraham Parker,	Webster.
16.	Frances Muleurry,*	Ella Mary Laney,	Clinton.
24.	Max Cotton,	Maxwell Nathan Cotton,	Worcester.
24.	Ernest Stephen Edwards,	Ernest Stephen Pecoy,	Holden.
28.	—,*	Pearl Elizabeth Booth,	Leominster.
29.	Mary Lawlor,*	Mary O'Malley,	Clinton.

\* Changed by reason of adoption.

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THE

CIVIL GOVERNMENT

OF

*The Commonwealth of Massachusetts,*

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH  
FOR THE POLITICAL YEAR

1909.

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# EXECUTIVE DEPARTMENT.

HIS EXCELLENCY

EBEN S. DRAPER,

GOVERNOR.

FRANK L. DEAN . . . . . *Private Secretary.*

EDWARD F. HAMLIN . . . . . *Executive Secretary.*

HIS HONOR

LOUIS A. FROTHINGHAM,

LIEUTENANT GOVERNOR.

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## COUNCIL—(By Districts).

I.—CHARLES O. BRIGHTMAN . . . . . New Bedford.

II.—ALBION F. BEMIS . . . . . Brookline.

III.—EDWARD P. BARRY . . . . . Boston.

IV.—WALTER S. GLIDDEN . . . . . Somerville.

V.—SAMUEL COLE . . . . . Beverly.

VI.—SEWARD W. JONES . . . . . Newton.

VII.—J. LOVELL JOHNSON . . . . . Fitchburg.

VIII.—AUGUST H. GOETTING . . . . . Springfield.

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WILLIAM M. OLIN,

SECRETARY OF THE COMMONWEALTH.

ISAAC H. EDGETT, *1st Deputy,*

HERBERT H. BOYNTON, *2d Deputy.*

ELMER A. STEVENS,\*

TREASURER AND RECEIVER GENERAL.

HENRY S. BRIDGE, *1st Clerk.*

A. B. C. DEMING, *2d Clerk.*

WENDELL P. MARDEN, *Cashier.*

HENRY E. TURNER,

AUDITOR OF THE COMMONWEALTH.

WILLIAM D. HAWLEY, *Deputy Auditor.*

JAMES POPE, *1st Clerk.*

CARL A. RAYMOND, *2d Clerk.*

DANA MALONE,

ATTORNEY-GENERAL.

FREDERIC B. GREENHALGE,

FRED T. FIELD,

ANDREW MARSHALL,

ASSISTANT ATTORNEYS-GENERAL.

LOUIS H. FREESE, *Chief Clerk.*

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\* Elected by the Legislature, in joint convention, April 7; qualified April 8; to fill a vacancy caused by the resignation of Arthur B. Chapin.

# LEGISLATIVE DEPARTMENT.

## GENERAL COURT.

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1906.

## SENATE.

*President* — ALLEN T. TREADWAY.

District.	Name of Senator.	Residence.
First Suffolk, . . .	Lewis Burnham, . . .	Boston.
Second “ . . .	Richard S. Teeling, . . .	Boston.
Third “ . . .	Edward W. Dixon, . . .	Boston.
Fourth “ . . .	James H. Doyle, . . .	Boston.
Fifth “ . . .	Charles D. B. Fisk, . . .	Boston.
Sixth “ . . .	Patrick H. O'Connor, . . .	Boston.
Seventh “ . . .	John J. Butler, . . .	Boston.
Eighth “ . . .	W. Prentiss Parker, . . .	Boston.
Ninth “ . . .	Gideon B. Abbott, . . .	Boston.
First Essex, . . .	William R. Salter, . . .	Lynn.
Second “ . . .	Clifford B. Bray, . . .	Beverly.
Third “ . . .	James F. Shaw, . . .	Manchester.
Fourth “ . . .	Harry P. Morse, . . .	Haverhill.
Fifth “ . . .	George Bunting, . . .	Methuen.
First Middlesex, . . .	Henry C. Mulligan, . . .	Natick.
Second “ . . .	Thorndike Spalding, . . .	Cambridge.
Third “ . . .	Elmer A. Stevens,* . . .	Somerville.
Fourth “ . . .	Wilmot R. Evans, Jr., . . .	Everett.

\* Resigned April 7, 1909.

District.	Name of Senator.	Residence.
Fifth Middlesex, . . . .	John L. Harvey, . . . .	Waltham.
Sixth " . . . .	J. Howell Crosby, . . . .	Arlington.
Seventh " . . . .	James Wilson Grimes, . . . .	Reading.
Eighth " . . . .	Joseph H. Hibbard, . . . .	Lowell.
First Worcester, . . . .	Elmer C. Potter, . . . .	Worcester.
Second " . . . .	Edward A. Cowee, . . . .	Worcester.
Third " . . . .	Levi H. Greenwood, . . . .	Gardner.
Fourth " . . . .	George F. Birch, . . . .	Milford.
Worcester and Hampden, . . . .	Arthur D. Norcross, . . . .	Monson.
First Hampden, . . . .	Francke W. Dickinson, . . . .	Springfield.
Second " . . . .	Daniel D. Mahoney, . . . .	Holyoke.
Franklin and Hampshire, . . . .	Dennis E. Farley, . . . .	Erving.
Berkshire, . . . .	William Turtle, . . . .	Pittsfield.
Berkshire, Hampshire and Hampden.	Allen T. Treadway, . . . .	Stockbridge.
First Norfolk, . . . .	Eugene C. Hultman, . . . .	Quincy.
Second " . . . .	Bradley M. Rockwood, . . . .	Franklin.
First Plymouth, . . . .	Melvin S. Nash, . . . .	Hanover.
Second " . . . .	Roland M. Keith, . . . .	Bridgewater.
First Bristol, . . . .	William M. Dean, . . . .	Taunton.
Second " . . . .	Joseph Turner, . . . .	Fall River.
Third " . . . .	Samuel Ross, . . . .	New Bedford.
Cape, . . . .	Eben S. S. Keith, . . . .	Bourne.

HENRY D. COOLIDGE, . . . . . *Clerk.*

EDWARD A. HORTON, . . . . . *Chaplain.*

DAVID T. REMINGTON, . . . . . *Sergeant-at-Arms.*

## HOUSE OF REPRESENTATIVES.

*Speaker* — JOSEPH WALKER.

## COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1, . . {	Benjamin Fred Bates, . Ernest W. Woodside, .	Boston. Boston.
2d,	Boston, Ward 2, . . {	Michael H. Fitzgerald, . Bernard F. Hanrahan, .	Boston. Boston.
3d,	Boston, Ward 3, . . {	Joseph E. Donovan, . David B. Shaw,* . .	Boston. Boston.
4th,	Boston, Wards 4 and 5, {	James A. Hatton, . . John J. Hayes, . . J. Frank O'Brien, . .	Boston. Boston. Boston.
5th,	Chelsea, Wards 1 and 2,	Ignatius J. Carleton, .	Chelsea.
6th,	Boston, Ward 6, . . {	Thomas J. Grady, . . Philip J. McGonagle, .	Boston. Boston.
7th,	Boston, Ward 7, . .	Bartholomew A. Brickley,	Boston.
8th,	Boston, Ward 8, . . {	Martin M. Lomasney, . David Mancovitz, . .	Boston. Boston.
9th,	Boston, Ward 9, . . {	Timothy F. Callahan, . Joseph Leonard, . .	Boston. Boston.
10th,	Boston, Ward 10, . . {	David T. Montague, . Malcolm E. Nichols, .	Boston. Boston.

\* Elected March 2; to fill a vacancy caused by the death of Jeremiah F. McCarthy, a member-elect, who died January 15, 1909; qualified March 10.



## COUNTY OF SUFFOLK — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Boston, Ward 11,	Grafton D. Cushing, Myron E. Pierce,	Boston. Boston.
12th,	Boston, Ward 12,	Freeman O. Emerson, George E. Lovett,	Boston. Boston.
13th,	Boston, Ward 13,	Thomas P. McDavitt, James F. Powers,	Boston. Boston.
14th,	Boston, Ward 14,	Thomas F. Coogan, William P. Hickey,	Boston. Boston.
15th,	Boston, Ward 15,	Francis L. Colpoys, Michael J. Reidy,	Boston. Boston.
16th,	Boston, Ward 16,	James H. Kelly, William H. O'Brien,	Boston. Boston.
17th,	Boston, Ward 17,	Francis L. Daly, Jeremiah J. Good,	Boston. Boston.
18th,	Boston, Ward 18,	Daniel J. Curley, Jr., Thomas J. Fay,	Boston. Boston.
19th,	Boston, Ward 19,	Florence J. Driscoll, Daniel J. McCarthy,	Boston. Boston.
20th,	Boston, Ward 20,	Luther C. Greenleaf, Harry H. Ham, Charles Addison Malley,	Boston. Boston. Boston.
21st,	Boston, Ward 21,	John E. Rousmaniere, Fred P. Warner,	Boston. Boston.
22d,	Boston, Ward 22,	Charles E. Dow, James H. Knight,	Boston. Boston.
23d,	Boston, Ward 23,	Earl E. Davidson, J. Henry Leonard,	Boston. Boston.
24th,	Boston, Ward 24,	Herbert W. Burr, Samuel H. Mildram, William B. Willcutt,	Boston. Boston. Boston.
25th,	Boston, Ward 25,	Joseph Abbott, Lewis J. Hewitt,	Boston. Boston.

## COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
26th,	Chelsea, Wards 3, 4, .	William M. Robinson, .	Chelsea.
27th,	{ Chelsea, Ward 5, . Revere, . . . Winthrop, . . . }	Samuel A. Segee, . Clarence A. Warren, .	Revere. Chelsea.

## COUNTY OF ESSEX.

1st,	{ Amesbury, . . . Merrimac, . . . }	Ralph H. Sargent, . .	Merrimac.
2d,	Haverhill, W'ds 1, 2, 3,	A. Franklin Priest, .	Haverhill.
3d,	Haverhill, Wards 4, 6,	Leslie K. Morse, . .	Haverhill.
4th,	Haverhill, Ward 5, .	Arthur L. Nason, . .	Haverhill.
5th,	{ Lawrence, Wards 1, 2, } Methuen, . . . }	Alfred J. Burckel, . . Edgar G. Holt, . .	Lawrence. Methuen.
6th,	Lawrence, Wards 3, 4,	William A. Hester, .	Lawrence.
7th,	Lawrence, Ward 5, .	James R. Tetler, . .	Lawrence.
8th,	Lawrence, Ward 6, .	William J. Graham, .	Lawrence.
9th,	Andover, . . .	Andrew McTernen, .	Andover.
10th,	{ Boxford, . . . Groveland, . . . Haverhill, Ward 7, . North Andover, . . }	William Halliday,* .	North Andover.
11th,	Peabody, . . .	James B. Carbrey, . .	Peabody.
12th,	{ Lynn, Ward 3, . . . Swampscott, . . . }	William Edward Dorman, Martin Lewis Quinn, .	Lynn. Swampscott.
13th,	{ Lynn, Wards 1, 5, 7, . } Lynnfield, . . . }	Arthur B. Breed, . . John S. Cormack, . .	Lynn. Lynn.
14th,	{ Lynn, Wards 2, 4, . } Nahant, . . . }	Matthew McCann, . . James M. Noyes, . .	Lynn. Lynn.
15th,	{ Lynn, Ward 6, . . . } Saugus, . . . }	James A. Halliday, . Charles H. Mansfield, .	Saugus. Lynn.

\* Elected April 15; to fill a vacancy caused by the death of Thomas P. Wills, a member-elect, who died March 4, 1909; qualified April 21.

## COUNTY OF ESSEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
16th,	Marblehead, . . .	Arthur S. Adams, . . .	Marblehead.
17th,	Salem, Wards 1, 2, .	Charles E. Ebsen, . . .	Salem.
18th,	Salem, Wards 3, 5, .	Robert E. Pollock, . . .	Salem.
19th,	Salem, Wards 4, 6, .	William T. Jeffrey, . . .	Salem.
20th,	{ Beverly, . . . . } { Danvers, . . . . }	Arthur Preston Chase, . . . Joseph A. Wallis, . . .	Danvers. Beverly.
21st,	{ Gloucester, Wards 4, 5, } { 8, . . . . } { Manchester, . . . . }	Charles Homer Barrett, . . .	Gloucester.
22d,	{ Gloucester, Wards 3, 6, } { 7, . . . . }	James E. Tolman, . . .	Gloucester.
23d,	{ Gloucester, Wards 1, 2, } { Rockport, . . . . }	Melvin Haskell, . . .	Gloucester.
24th,	{ Essex, . . . . } { Hamilton, . . . . } { Ipswich, . . . . } { Middleton, . . . . } { Rowley, . . . . } { Topsfield, . . . . } { Wenham, . . . . }	Horace E. Durgin, . . .	Wenham.
25th,	{ Newburyport, Wards 1, } { 2, 3, 4, . . . . }	Clarence J. Fogg, . . .	Newburyport.
26th,	{ Georgetown, . . . . } { Newbury, . . . . } { Newburyport, Wards 5, } { 6, . . . . } { Salisbury, . . . . } { West Newbury, . . . . }	Claude H. Tarbox, . . .	Newbury.

## COUNTY OF MIDDLESEX.

1st,	{ Cambridge, Wards 1, } { 2, 3, . . . . }	Manuel Andrew, . . . William M. Hogan, . . .	Cambridge. Cambridge.
2d,	{ Cambridge, Wards 4, } { 5, 6, 7, . . . . }	James W. Bean, . . . Julius Meyers, . . . Harry A. Penniman, . . .	Cambridge. Cambridge. Cambridge.

## COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Cambridge, Wards 8, { 9, 10, 11, . . . }	Samuel D. Elmore, . . . Harry N. Stearns, . . . Russell A. Wood, . . .	Cambridge. Cambridge. Cambridge.
4th,	Newton, . . . . {	Elias B. Bishop, . . . Howard P. Converse, . . . William F. Garcelon, . . .	Newton. Newton. Newton.
5th,	Waltham, . . . . {	Frank L. Barnes, . . . Patrick J. Duane, . . .	Waltham. Waltham.
6th,	Natick, . . . . .	George C. Fairbanks, . . .	Natick.
7th,	Framingham, . . . .	Frederic H. Hilton, . . .	Framingham.
8th,	{ Ashland, . . . . . Holliston, . . . . . Hopkinton, . . . . . Sherborn, . . . . . }	Walter G. Whittemore, . . .	Ashland.
9th,	Marlborough, . . . .	Charles F. McCarthy, . . .	Marlborough.
10th,	{ Boxborough, . . . . . Hudson, . . . . . Maynard, . . . . . Stow, . . . . . }	Timothy J. Keefe, . . .	Hudson.
11th,	{ Acton, . . . . . Ayer, . . . . . Carlisle, . . . . . Chelmsford, . . . . . Littleton, . . . . . Westford, . . . . . }	Elisha D. Stone, . . .	Ayer.
12th,	{ Ashby, . . . . . Dunstable, . . . . . Groton, . . . . . Pepperell, . . . . . Shirley, . . . . . Townsend, . . . . . Tyngsborough, . . . . . }	George A. Wilder, . . .	Townsend.
13th,	{ Bedford, . . . . . Concord, . . . . . Lincoln, . . . . . Sudbury, . . . . . Wayland, . . . . . Weston, . . . . . }	Alfred L. Cutting, . . .	Weston.

## COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
14th,	{ Dracut, . . . Lowell, Ward 1, . . }	Edwin M. Kittredge, .	Lowell.
15th,	Lowell, Ward 2, .	John F. Meehan, . .	Lowell.
16th,	Lowell, Wards 4, 5, .	Martin F. Conley, . .	Lowell.
17th,	Lowell, Wards 3, 6, 7, {	Erson B. Barlow, . . Charles F. Varnum, . .	Lowell. Lowell.
18th,	Lowell, Ward 8, .	Hamlet S. Greenwood, .	Lowell.
19th,	{ Billerica, . . . Lowell, Ward 9, . . Tewksbury, . . . }	Albert C. Blaisdell, . .	Tewksbury.
20th,	{ Burlington, . . . North Reading, . . . Reading, . . . Wilmington, . . . Woburn, . . . }	James W. Killam, . . Fred F. Walker, . .	Reading. Burlington.
21st,	Wakefield, . . .	Josiah S. Bonney, . .	Wakefield.
22d,	Melrose, . . .	Andrew J. Burnett, . .	Melrose.
23d,	Malden, . . . {	Charles E. Dennett, . . William Niedner, . . Thomas P. Riley, . .	Malden. Malden. Malden.
24th,	Everett, . . . {	Charles W. Atkins, . . William E. Weeks, . .	Everett. Everett.
25th,	{ Somerville, Wards 1, { 3, 4, 5, . . .	William M. Armstrong, . Sidney B. Keene, . . Charles L. Underhill, . .	Somerville. Somerville. Somerville.
26th,	{ Somerville, Wards 2, { 6, 7, . . .	Charles V. Blanchard, . . John F. Thompson, . . William L. Waugh, . .	Somerville. Somerville. Somerville.
27th,	{ Medford, Wards 3, 6, . Winchester, . . . }	Frank Eugene Barnard, .	Winchester.
28th,	{ Medford, Wards 1, 2, { 4, 5, 7, . . . }	Charles H. Brown, . .	Medford.



## COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
29th,	{ Arlington, . . . Lexington, . . . }	Edwin A. Bayley, . . .	Lexington.
30th,	{ Belmont, . . . Watertown, . . . }	James H. L. Coon, . . .	Watertown.
31st,	Stoneham, . . .	Joseph W. Holden, . . .	Stoneham.

## COUNTY OF WORCESTER.

1st,	{ Athol, . . . Dana, . . . Petersham, . . . Phillipston, . . . Royalston, . . . }	James Oliver, . . .	Athol.
2d,	{ Ashburnham, . . . Gardner, . . . Templeton, . . . Winchendon, . . . }	William F. Learned, . . . Louis Leland, . . .	Gardner. Templeton.
3d,	{ Barre, . . . Holden, . . . Hubbardston, . . . Oakham, . . . Princeton, . . . Rutland, . . . Sterling, . . . Westminster, . . . }	George F. Butterick, . . .	Sterling.
4th,	{ Brookfield, . . . Hardwick, . . . New Braintree, . . . North Brookfield, . . . Warren, . . . West Brookfield, . . . }	Frank Elliot Prouty, . . .	Brookfield.
5th,	{ Charlton, . . . Southbridge, . . . Sturbridge, . . . }	John E. Paige, . . .	Southbridge.

## COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Auburn, . . . } { Leicester, . . . } { Paxton, . . . } { Spencer, . . . }	Harry E. Sargent, . .	Leicester.
7th,	{ Dudley, . . . } { Oxford, . . . } { Webster, . . . }	Louis E. Pattison, . .	Webster.
8th,	{ Blackstone, . . . } { Douglas, . . . } { Grafton, . . . } { Millbury, . . . } { Shrewsbury, . . . } { Sutton, . . . } { Uxbridge, . . . }	William A. L. Bazeley, . Lyman M. Rice, . . .	Uxbridge. Grafton.
9th,	{ Hopedale, . . . } { Mendon, . . . } { Milford, . . . } { Northbridge, . . . } { Upton, . . . }	William R. Burke, . . S. Alden Eastman, . .	Milford. Milford.
10th,	{ Berlin, . . . } { Bolton, . . . } { Boylston, . . . } { Clinton, . . . } { Northborough, . . . } { Southborough, . . . } { West Boylston, . . . } { Westborough, . . . }	Joseph S. Gates, . . Amos T. Saunders, . .	Westborough. Clinton.
11th,	{ Fitchburg, Ward 6, . . } { Harvard, . . . } { Lancaster, . . . } { Leominster, . . . } { Lunenburg, . . . }	Frank H. Pope, . . Augustus L. Whitney, . .	Leominster. Leominster.
12th,	{ Fitchburg, Wards 1, 2, } { 3, 4, 5, . . . }	Benjamin A. Cook, . . Frank O. Hardy, . .	Fitchburg. Fitchburg.
13th,	Worcester, Ward 1, .	Daniel E. Denny, . .	Worcester.
14th,	Worcester, Ward 2, .	John P. Holmgren, . .	Worcester.

## COUNTY OF WORCESTER — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	Worcester, Ward 3, .	Cornelius J. Carmody, .	Worcester.
16th,	Worcester, Ward 4, .	James H. Mellen, . .	Worcester.
17th,	Worcester, Ward 5, .	John H. Thompson, .	Worcester.
18th,	Worcester, Ward 6, .	Oscar C. Hammarstrom,	Worcester.
19th,	Worcester, Ward 7, .	Harrison J. Conant, .	Worcester.
20th,	Worcester, Ward 8, .	John H. Pickford, . .	Worcester.
21st,	Worcester, Ward 9, .	Henry E. Dean, . .	Worcester.
22d,	Worcester, Ward 10, .	Robert M. Washburn, .	Worcester.

## COUNTY OF HAMPSHIRE.

1st,	Northampton, . .	Alfred J. Preece, . .	Northampton.
2d,	<div> <div> <div>Chesterfield, . . .</div> <div>Cummington, . . .</div> <div>Easthampton, . . .</div> <div>Goshen, . . .</div> <div>Huntington, . . .</div> </div> <div> <div>Middlefield, . . .</div> <div>Plainfield, . . .</div> <div>Southampton, . . .</div> <div>Westhampton, . . .</div> <div>Williamsburg, . . .</div> <div>Worthington, . . .</div> </div> </div>	John N. Lyman, . .	Easthampton.
3d,	<div> <div>Amherst, . . .</div> <div>Hadley, . . .</div> <div>Hatfield, . . .</div> <div>South Hadley, . . .</div> </div>	Frank A. Hosmer, . .	Amherst.
4th,	<div> <div>Belchertown, . . .</div> <div>Enfield, . . .</div> <div>Granby, . . .</div> <div>Greenwich, . . .</div> <div>Pelham, . . .</div> <div>Prescott, . . .</div> <div>Ware, . . .</div> </div>	Waldo H. Peirce, . .	Prescott.

## COUNTY OF HAMPDEN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Brimfield, . . . Holland, . . . Monson, . . . Palmer, . . . Wales, . . . }	Ernest E. Hobson, .	Palmer.
2d,	{ Agawam, . . . Blandford, . . . Chester, . . . East Longmeadow, . Granville, . . . Hampden, . . . Longmeadow, . . . Ludlow, . . . Montgomery, . . . Russell, . . . Southwick, . . . Tolland, . . . West Springfield, . Wilbraham, . . . }	Scott Adams, . . . Clarence P. Bolles,*	Agawam. Wilbraham.
3d,	Springfield, Ward 1, .	Thomas S. Walsh, .	Springfield.
4th,	Springfield, Wards 2, 3,	Michael J. Scully, .	Springfield.
5th,	{ Springfield, Wards 4, } 5, 6, . . .	Theodore F. Dwight, . Frank D. Kemp, .	Springfield. Springfield.
6th,	Springfield, Ward 7, .	Charles T. Holt, .	Springfield.
7th,	Springfield, Ward 8, .	Frank G. Hodskins, .	Springfield.
8th,	Chicopee, . . .	John J. Barry, .	Chicopee.
9th,	Holyoke, Wards 1, 2, 4,	Francis X. Quigley, .	Holyoke.
10th,	Holyoke, Wards 3, 6, .	Thomas Davies, .	Holyoke.
11th,	Holyoke, Wards 5, 7, .	Jens J. Madsen, .	Holyoke.
12th,	Westfield, . . .	Charles M. Gardner, .	Westfield.

\* Elected February 26; to fill a vacancy caused by the death of Edwin W. Wall, a member-elect, who died January 6, 1909; qualified March 3.

## COUNTY OF FRANKLIN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Ashfield, . . . } { Buckland, . . . } { Charlemont, . . . } { Colrain, . . . } { Conway, . . . } { Hawley, . . . } { Heath, . . . } { Monroe, . . . } { Rowe, . . . } { Shelburne, . . . } { Whately, . . . }	William B. Avery, . .	Charlemont.
2d,	Greenfield, . . .	Arthur L. Smith, . .	Greenfield.
3d,	{ Bernardston, . . . } { Deerfield, . . . } { Gill, . . . } { Leverett, . . . } { Leyden, . . . } { Montague, . . . } { Sunderland, . . . }	John W. Haigis, . .	Montague.
4th,	{ Erving, . . . } { New Salem, . . . } { Northfield, . . . } { Orange, . . . } { Shutesbury, . . . } { Warwick, . . . } { Wendell, . . . }	Alton A. Upton, . .	Orange.

## COUNTY OF BERKSHIRE.

1st,	{ Clarksburg, . . . } { Florida, . . . } { North Adams, Wards 3, } { 4, 5, . . . } { Savoy, . . . }	Edward W. Gleason, . .	Clarksburg.
2d,	{ North Adams, Wards 1, } { 2, 6, 7, . . . }	Homer A. Hall, . .	North Adams.



## COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Adams, . . . } Cheshire, . . . } Hinsdale, . . . } New Ashford, . . . } Peru, . . . } Windsor, . . . }	George F. Bolger, . . .	Adams.
4th,	{ Dalton, . . . } Hancock, . . . } Lanesborough, . . . } Pittsfield, Ward 1, . . . } Williamstown, . . . }	Fred T. McClatchey, . . .	Pittsfield.
5th,	{ Pittsfield, Wards 2, 6, } 7, . . . }	Charles R. Foote, . . .	Pittsfield.
6th,	{ Pittsfield, Wards 3, 4, } 5, . . . }	Clifford H. Dickson, . . .	Pittsfield.
7th,	{ Becket, . . . } Lee, . . . } Lenox, . . . } Monterey, . . . } New Marlborough, . . . } Otis, . . . } Richmond, . . . } Sandisfield, . . . } Tyringham, . . . } Washington, . . . }	Robb deP. Tytus, . . .	Tyringham.
8th,	{ Alford, . . . } Egremont, . . . } Great Barrington, . . . } Mount Washington, . . . } Sheffield, . . . } Stockbridge, . . . } West Stockbridge, . . . }	Frank Curtiss, . . .	Sheffield.

## COUNTY OF NORFOLK.

1st,	{ Dedham, . . . } Needham, . . . }	William G. Moseley, . . .	Needham.
2d,	Brookline, . . . }	Joseph Walker, . . . Norman H. White, . . .	Brookline. Brookline.

## COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	Hyde Park, . . .	Robert B. Campbell, . . .	Hyde Park.
4th,	{ Canton, . . . Milton, . . . }	Roger Wolcott, . . .	Milton.
5th,	Quincy, Wards 1, 2, 3,	William R. Thomas, . . .	Quincy.
6th,	Quincy, Wards 4, 5, 6,	Louis F. R. Langelier, . . .	Quincy.
7th,	Weymouth, . . .	John F. Dwyer, . . .	Weymouth.
8th,	{ Avon, . . . Braintree, . . . Holbrook, . . . }	Charles C. Mellen, . . .	Braintree.
9th,	{ Randolph, . . . Sharon, . . . Stoughton, . . . }	Henry E. Holbrook, . . .	Stoughton.
10th,	{ Norwood, . . . Walpole, . . . Westwood, . . . }	Julius Guild, . . .	Walpole.
11th,	{ Dover, . . . Medfield, . . . Medway, . . . Millis, . . . Norfolk, . . . Wellesley, . . . }	Frederick C. Clark, . . .	Medway.
12th,	{ Bellingham, . . . Foxborough, . . . Franklin, . . . Plainville, . . . Wrentham, . . . }	Frederick S. Lane, . . .	Foxborough.

## COUNTY OF PLYMOUTH.

1st,	Plymouth, . . .	Alfred S. Burns, . . .	Plymouth.
2d,	{ Duxbury, . . . Marshfield, . . . Norwell, . . . Pembroke, . . . Scituate, . . . }	William S. Moore, . . .	Duxbury.

## COUNTY OF PLYMOUTH — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Cohasset, . . . } { Hingham, . . . } { Hull, . . . }	Elmer L. Curtiss, . .	Hingham.
4th,	{ Hanover, . . . } { Hanson, . . . } { Rockland, . . . }	Nathan B. Foster, . .	Rockland.
5th,	{ Abington, . . . } { Whitman, . . . }	Wallace E. W. N. Arnold,	Abington.
6th,	{ Carver, . . . } { Lakeville, . . . } { Marion, . . . } { Mattapoisett, . . . } { Rochester, . . . } { Wareham, . . . }	Zebulon L. Canedy, . .	Lakeville.
7th,	{ Halifax, . . . } { Kingston, . . . } { Middleborough, . . . } { Plympton, . . . }	George E. Doane, . .	Middleborough.
8th,	{ Bridgewater, . . . } { East Bridgewater, . . . } { West Bridgewater, . . . }	Orvis F. Kinney, . .	{ West Bridge- water.
9th,	Brockton, Wards 3, 4,	Albin F. Nordbeck, . .	Brockton.
10th,	{ Brockton, Wards 1, 2, } { 5, . . . }	Portus B. Hancock, . . Timothy J. Meade, . .	Brockton. Brockton.
11th,	Brockton, Wards 6, 7, .	George Swann, . .	Brockton.

## COUNTY OF BRISTOL.

1st,	{ Attleborough, . . . } { North Attleborough, . . . } { Norton, . . . } { Seekonk, . . . }	Frank O. Coombs, . . Samuel M. Holman, . .	No. Attleboro'. Attleborough.
2d,	{ Easton, . . . } { Mansfield, . . . } { Raynham, . . . }	Minot J. Lincoln, . .	Raynham.

## COUNTY OF BRISTOL — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	Taunton, Wards 5, 7, 8,	Michael J. Kenney, .	Taunton.
4th,	Taunton, Wards 2, 3, 4,	Harry R. Holt, . .	Taunton.
5th,	{ Berkley, . . . } { Dighton, . . . } { Rehoboth, . . . } { Taunton, Wards 1, 6, . }	Ralph Davol, . . .	Taunton.
6th,	{ Acushnet, . . . } { Dartmouth, . . . } { Fairhaven, . . . } { Freetown, . . . }	Daniel W. Kendrick, .	Fairhaven.
7th,	{ New Bedford, Wards } { 1, 2, 3, . . . }	Charles Lewin, . . Laurence S. Perry, .	New Bedford. New Bedford.
8th,	{ New Bedford, Wards } { 4, 5, 6, . . . }	Andrew P. Doyle, . . Edward R. Hathaway, .	New Bedford. New Bedford.
9th,	{ Fall River, Wards 1, 2, } { Westport, . . . }	William H. Gifford, 3d, . Fred Moore, . . .	Westport. Fall River.
10th,	{ Fall River, Wards 3, 4, } { 5, . . . }	Edward F. Harrington, . Joseph A. Parks, . .	Fall River. Fall River.
11th,	{ Fall River, Wards 6, 7, } { 8, 9, . . . } { Somerset, . . . } { Swansea, . . . }	J. A. Wilfrid Bouvier, . Israel Brayton, . . Isaac E. Willetts, . .	Fall River. Fall River. Fall River.

## COUNTY OF BARNSTABLE.

1st,	{ Barnstable, . . . } { Bourne, . . . } { Falmouth, . . . } { Mashpee, . . . } { Sandwich, . . . }	Thomas Pattison, . .	Barnstable.
2d,	{ Chatham, . . . } { Dennis, . . . } { Harwich, . . . } { Yarmouth, . . . }	Henry A. Ellis, . .	Yarmouth.

## COUNTY OF BARNSTABLE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Brewster, . . . Eastham, . . . Orleans, . . . Provincetown, . . . Truro, . . . Wellfleet, . . .           }	Franklin B. Crocker, .	Brewster.

## COUNTY OF DUKES COUNTY.

1st,	{ Chilmark, . . . Edgartown, . . . Gay Head, . . . Gosnold, . . . Oak Bluffs, . . . Tisbury, . . . West Tisbury, . . .           }	Hamilton J. Greene, .	Oak Bluffs.
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## COUNTY OF NANTUCKET.

1st,	Nantucket, . . .	Ellenwood B. Coleman, .	Nantucket.
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JAMES W. KIMBALL, . . . . . Clerk.

DANIEL W. WALDRON, . . . . . Chaplain.

DAVID T. REMINGTON, . . . . . Sergeant-at-Arms.



## JUDICIAL DEPARTMENT.

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### SUPREME JUDICIAL COURT.

#### CHIEF JUSTICE.

MARCUS P. KNOWLTON, . . . . . of *Springfield.*

#### ASSOCIATE JUSTICES.

JAMES M. MORTON, . . . . . of *Fall River.*  
 JOHN WILKES HAMMOND, . . . . . of *Cambridge*  
 WILLIAM CALEB LORING, . . . . . of *Boston.*  
 HENRY K. BRALEY, . . . . . of *Boston.*  
 HENRY NEWTON SHELDON, . . . . . of *Boston.*  
 ARTHUR P. RUGG, . . . . . of *Worcester.*

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### SUPERIOR COURT.

#### CHIEF JUSTICE.

JOHN ADAMS AIKEN, . . . . . of *Greenfield.*

#### ASSOCIATE JUSTICES.

EDGAR J. SHERMAN, . . . . . of *Boston.*  
 ROBERT R. BISHOP, . . . . . of *Newton.*  
 DANIEL W. BOND, . . . . . of *Waltham.*  
 FRANKLIN G. FESSENDEN, . . . . . of *Greenfield.*  
 JAMES B. RICHARDSON, . . . . . of *Boston.*  
 JOHN H. HARDY, . . . . . of *Arlington.*  
 WILLIAM B. STEVENS, . . . . . of *Stoncham.*  
 CHARLES U. BELL, . . . . . of *Andover.*  
 FREDERICK LAWTON, . . . . . of *Lowell.*  
 EDWARD P. PIERCE, . . . . . of *Fitchburg.*  
 JABEZ FOX, . . . . . of *Cambridge*  
 CHARLES A. DE COURCY, . . . . . of *Lawrence.*  
 ROBERT O. HARRIS, . . . . . of *East Bridgewater.*  
 WILLIAM C. WAIT, . . . . . of *Medford.*  
 WILLIAM SCHOFIELD, . . . . . of *Malden.*  
 LLOYD E. WHITE, . . . . . of *Taunton.*  
 LORANUS E. HITCHCOCK, . . . . . of *Springfield.*  
 JOHN C. CROSBY, . . . . . of *Pittsfield.*  
 WILLIAM F. DANA, . . . . . of *Newton.*

JOHN F. BROWN,	. . . . .	<i>of Milton.</i>
HENRY A. KING,	. . . . .	<i>of Springfield.</i>
GEORGE A. SANDERSON,	. . . . .	<i>of Ayer.</i>
ROBERT F. RAYMOND,	. . . . .	<i>of New Bedford.</i>

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**LAND COURT.****JUDGE.**

CHARLES T. DAVIS,	. . . . .	<i>of Marblehead.</i>
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**ASSOCIATE JUDGE.**

LOUIS M. CLARK,	. . . . .	<i>of Boston.</i>
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**RECORDER.**

CLARENCE C. SMITH,	. . . . .	<i>of Newton.</i>
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**JUDGES OF PROBATE AND INSOLVENCY.**

ROBERT GRANT, Boston,	. . . . .	SUFFOLK.
ELIJAH GEORGE, Boston,	. . . . .	SUFFOLK.
ROLLIN E. HARMON, Lynn,	. . . . .	ESSEX.
HARRY R. DOW, North Andover,	. . . . .	ESSEX.
CHARLES J. McINTIRE, Cambridge,	. . . . .	MIDDLESEX.
GEORGE FIELD LAWTON, Cambridge,	. . . . .	MIDDLESEX.
WILLIAM T. FORBES, Westborough,	. . . . .	WORCESTER.
FREDERICK H. CHAMBERLAIN, Worcester,	. . . . .	WORCESTER.
WILLIAM G. BASSETT, Northampton,	. . . . .	HAMPSHIRE.
CHARLES L. LONG, Springfield,	. . . . .	HAMPDEN.
FRANCIS M. THOMPSON, Greenfield,	. . . . .	FRANKLIN.
EDWARD T. SLOCUM, Pittsfield,	. . . . .	BERKSHIRE.
JAMES H. FLINT, Weymouth,	. . . . .	NORFOLK.
LOYED E. CHAMBERLAIN, Brockton,	. . . . .	PLYMOUTH.
WILLIAM E. FULLER, Taunton,	. . . . .	BRISTOL.
FREEMAN H. LOTHROP, Barnstable,	. . . . .	BARNSTABLE.
CHARLES G. M. DUNHAM, Edgartown,	. . . . .	DUKES.
HENRY RIDDELL, Nantucket,	. . . . .	NANTUCKET.

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CHARLES H. BECKWITH, Springfield,	. . . . .	HAMPDEN.
LYMAN W. GRISWOLD, Greenfield,	. . . . .	FRANKLIN.
WILLIAM A. BURNS, Pittsfield,	. . . . .	BERKSHIRE.

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\* Vacancy caused by the decease of Francis A. Gaskill, July 16.

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JEREMIAH T. MAHONEY, Salem, . . . . .	ESSEX.
WILLIAM E. ROGERS, Wakefield, . . . . .	MIDDLESEX.
JOHN W. MAWBAY, Worcester, . . . . .	WORCESTER.
HUBBARD M. ABBOTT, Northampton, . . . . .	HAMPSHIRE.
FRANK G. HODSKINS, Springfield, . . . . .	HAMPDEN.
FRANCIS N. THOMPSON, Greenfield, . . . . .	FRANKLIN.
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SUMNER A. CHAPMAN, Hanson, . . . . .	PLYMOUTH.
ARTHUR M. ALGER, Taunton, . . . . .	BRISTOL.
CLARENDON A. FREEMAN, Barnstable, . . . . .	BARNSTABLE.
BERIAH T. HILLMAN, Edgartown, . . . . .	DUKES.
ROBERT MACK, Nantucket, . . . . .	NANTUCKET.

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JOHN J. HIGGINS, Somerville, . . . . .	NORTHERN.
W. SCOTT PETERS, Haverhill, . . . . .	EASTERN.
JAMES M. SWIFT, Fall River, . . . . .	SOUTHERN.
THOMAS E. GROVER, Canton, . . . . .	SOUTHEASTERN.
GEORGE S. TAFT, Uxbridge, . . . . .	MIDDLE.
STEPHEN S. TAFT, Springfield, . . . . .	WESTERN.
RICHARD W. IRWIN, Northampton, . . . . .	NORTHWESTERN.

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JOHN R. FAIRBAIRN, Cambridge, . . . . .	MIDDLESEX.
ROBERT H. CHAMBERLAIN, Worcester, . . . . .	WORCESTER.
THOMAS A. ORCUTT, Northampton, . . . . .	HAMPSHIRE.
EMBURY P. CLARK, Springfield, . . . . .	HAMPDEN.
WILLIAM M. SMEAD, Greenfield, . . . . .	FRANKLIN.
JOHN NICHOLSON, Pittsfield, . . . . .	BERKSHIRE.
SAMUEL H. CAPEN, Dedham, . . . . .	NORFOLK.
HENRY S. PORTER, Plymouth, . . . . .	PLYMOUTH.

EDWIN H. EVANS, Taunton, . . . . .	BRISTOL.
HENRY M. PERCIVAL, Orleans, . . . . .	BARNSTABLE.
JASON L. DEXTER, Edgartown, . . . . .	DUKES.
JOSIAH F. BARRETT, Nantucket, . . . . .	NANTUCKET.

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CLARENCE H. COOPER, Boston, Clerk of the Supreme Judicial Court for the Commonwealth.

WALTER F. FREDERICK, Boston, Supreme Judicial Court, . . . . .	SUFFOLK.
FRANCIS A. CAMPBELL, Boston, Sup. Court, Civil Business, . . . . .	} SUFFOLK.
JOHN P. MANNING, Boston, Sup. Court, Criminal Business, . . . . .	
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THEODORE C. HURD, Winchester, . . . . .	MIDDLESEX.
THEODORE S. JOHNSON, Worcester, . . . . .	WORCESTER.
HAYNES H. CHILSON, Northampton, . . . . .	HAMPSHIRE.
ROBERT O. MORRIS, Springfield, . . . . .	HAMPDEN.
CLIFTON L. FIELD, Greenfield, . . . . .	FRANKLIN.
FRANK H. CANDE, Pittsfield, . . . . .	BERKSHIRE.
LOUIS A. COOK, Weymouth, . . . . .	NORFOLK.
EDWARD E. HOBART, Plymouth, . . . . .	PLYMOUTH.
SIMEON BORDEN, Fall River, . . . . .	BRISTOL.
ALFRED CROCKER, Barnstable, . . . . .	BARNSTABLE.
SAMUEL KENISTON, Edgartown, . . . . .	DUKES.
JOSIAH F. MURPHEY, Nantucket, . . . . .	NANTUCKET.

## MEMBERS OF THE SIXTY-FIRST CONGRESS.

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[Congressional Districts established by Chap. 511, Acts of 1901.]

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## SENATORS.

HENRY CABOT LODGE, . . . . . *of Nahant.*  
 WINTHROP MURRAY CRANE, . . . . . *of Dalton.*

## REPRESENTATIVES.

DISTRICT I.—GEORGE P. LAWRENCE, . . . . . *of North Adams.*  
 II.—FREDERICK H. GILLET, . . . . . *of Springfield.*  
 III.—CHARLES G. WASHBURN, . . . . . *of Worcester.*  
 IV.—CHARLES Q. TIRRELL, . . . . . *of Natick.*  
 V.—BUTLER AMES, . . . . . *of Lowell.*  
 VI.—AUGUSTUS P. GARDNER, . . . . . *of Hamilton.*  
 VII.—ERNEST W. ROBERTS, . . . . . *of Chelsea.*  
 VIII.—SAMUEL W. McCALL, . . . . . *of Winchester.*  
 IX.—JOHN A. KELIHER, . . . . . *of Boston.*  
 X.—JOSEPH F. O'CONNELL, . . . . . *of Boston.*  
 XI.—ANDREW J. PETERS, . . . . . *of Boston.*  
 XII.—JOHN W. WEEKS, . . . . . *of Newton.*  
 XIII.—WILLIAM S. GREENE, . . . . . *of Fall River.*  
 XIV.—WILLIAM C. LOVERING, . . . . . *of Taunton.*



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# APPENDIX

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The following tables have been prepared by FISHER AMES, Esq., appointed to that duty under section 1 of chapter 9 of the Revised Laws, which directs the governor to “appoint a skilled person to prepare . . . a table of changes in the general laws, etc.,” to “be printed in such editions of the laws as the governor shall direct.”

# TABLES

SHOWING

## WHAT GENERAL LAWS OF THE COMMONWEALTH HAVE BEEN AFFECTED BY SUBSEQUENT LEGISLATION

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SECT. 3 revised. St. 1908, 474.

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SECT. 6 repealed. St. 1902, 438 § 7.

SECT. 7. In part repealed. St. 1902, 228 § 8, 438 § 7. Amended. St. 1902, 269; 1903, 291, 390; 1904, 388 § 1, 410; 1905, 138; 1906, 296 § 2; 1908, 444, 459, 462 § 5, 523; 1909, 371 § 3. Last clause limited. St. 1909, 67. (See 1907, 289; 1908, 481 § 1; Res. 1909, 33.)

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SECT. 35 amended. St. 1909, 440 § 2; 490 II § 36.

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SECT. 5 amended. St. 1908, 433 § 1. (See 1908, 433 § 2.)

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SECTS. 8, 9. See St. 1909, 490 III §§ 8, 11.

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SECTS. 10-18. See St. 1909, 490 III §§ 12-20.

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SECTS. 19-36. See St. 1909, 490 III §§ 21-38.

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SECT. 23. See St. 1908, 608; 1909, 419 § 25.

SECT. 24 amended. St. 1903, 307 § 1.

SECT. 32 amended. St. 1906, 271 § 6; 1909, 440 § 1.

SECT. 33 amended. St. 1906, 271 § 8.

SECT. 35 amended. St. 1908, 520 § 12; 1909, 440 § 2.

SECTS. 37-40 in part repealed. St. 1903, 437 § 95.

SECT. 37 amended. St. 1909, 267 § 1, 440 § 2.

SECT. 38 amended. St. 1909, 267 § 2, 439 § 2, 440 § 2. (See 1902, 342; 1903, 437 §§ 71, 95.)

SECT. 39 amended. St. 1906, 463 II § 258; 1909, 439 § 3, 490 III § 42.

SECT. 40 amended. St. 1906, 271 § 9; 1909, 490 III § 43.

SECTS. 41, 43-47 repealed. St. 1906, 463 III § 158. (See 1906, 463 III §§ 130, 133; 1909, 440 § 1, 490 III § 44, 47-51.)

SECT. 42 amended. St. 1902, 342 § 5; 1909, 439 § 4, 490 III § 45. In part repealed. St. 1903, 437 § 95. (See 1906, 463 III § 129.)

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SECT. 48. See St. 1909, 490 III § 52.

SECTS. 49-52 repealed. St. 1903, 437 § 95. (See 1904, 261 § 1.)

SECT. 53. See St. 1909, 490 III § 53.

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SECT. 61 amended. St. 1903, 437 § 86; 1906, 516 § 20; 1908, 614 § 1; 1909, 490 III § 64.

SECTS. 62-64. See St. 1909, 490 III §§ 65-67.

SECT. 65 amended. St. 1909, 490 III § 68. (See 1903, 437 § 77; 1907, 329, 586 § 6; 1908, 220.)

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Provision for teams in rifle contests. St. 1909, 300.

#### Chapter 18. — General Provisions relative to State Officers.

SECT. 10. Commonwealth to repay charge of surety company for suretyship. St. 1908, 469.

SECT. 13 revised. St. 1903, 229 § 1. Treasurers and disbursing officers of state institutions shall keep an office and books. St. 1908, 195.

SECT. 14 repealed. St. 1903, 229 § 2.

No public officer or body, or member thereof, shall interfere with employment in public service corporations. St. 1903, 320 ; 1908, 228.

SECT. 16 amended. St. 1904, 295.

#### Chapter 19. — Of the Civil Service.

Extensions of the provisions of this chapter. St. 1903, 102 ; 1904, 143 ; 1907, 292 ; 1909, 382. Limitations. St. 1902, 413 ; 1904, 430 ; 1908, 185 ; 1909, 311, 432 § 1, 453 § 2.

Removals and suspensions regulated. St. 1904, 314 ; 1905, 243 ; 1906, 210 ; 1907, 272. (See 1900, 69 § 3 ; 1904, 288 ; 1907, 245, 458 ; 1909, 405 § 1.)

Act relative to posting notices of examinations. St. 1906, 277.

Provision for publicity in certain cases. St. 1906, 306.

No public officer or body, or member thereof, shall interfere with employment in public service corporations. St. 1903, 320 ; 1908, 228. (See 1904, 343 § 1.)

A board of publication is established. St. 1902, 438.

SECT. 1 amended. St. 1906, 159 § 1 ; 1907, 344.

SECT. 2 amended. St. 1907, 454. Additional employees. St. 1906, 465 § 1. (See 1908, 195.)

SECT. 4 *et seq.* See St. 1906, 277.

SECT. 5 amended. St. 1902, 308.

SECT. 6 *et seq.* Acts relative to civil service rules and regulations. St. 1904, 198 ; 1909, 382. (See also 1904, 194.)

SECT. 9. Exemptions. St. 1907, 245.

SECTS. 10, 11. See St. 1908, 210 ; 1909, 332.

SECTS. 21, 22 limited. St. 1902, 413 ; 1904, 430 ; 1908, 185 ; 1909, 311, 432 § 1.

SECT. 23 extended. St. 1904, 314. Amended. St. 1905, 150. Limited. St. 1909, 311, 453 § 2. Retirement pension of veterans. St. 1907, 458.

SECT. 26 *et seq.* See St. 1907, 560 §§ 119-126 ; 1908, 88.

SECT. 30 *et seq.* See St. 1907, 581.

SECT. 36 amended. St. 1902, 544 § 3.

SECT. 37. See St. 1903, 102 ; 1904, 143, 288.



**Chapter 20. — Of Counties and County Commissioners.**

County commissioners authorized to kill sheep-worrying dogs in certain cases. St. 1902, 226; 1904, 127. Provision for bounty for killing a wild-cat or Canada lynx. St. 1903, 344 § 1. Damages caused by wild deer. St. 1903, 407; 1909, 396.

SECT. 1. Muskeget and Gravelly islands annexed to Nantucket. St. 1887, 88.

SECT. 7. See St. 1909, 271.

SECT. 14. Salaries classified and established. St. 1904, 451 § 1; 1905, 179; 1906, 290 § 1. (See 1902, 411, 544 § 4.)

SECT. 16 amended. St. 1908, 431 § 1.

SECT. 17 revised. St. 1908, 431 § 2.

SECT. 19 revised. St. 1908, 431 § 3.

SECT. 20 limited. St. 1908, 640 § 6.

SECT. 24 *et seq.* See St. 1902, 226; 1903, 243, 344; 1906, 463 I § 23, II §§ 117, 122; 1908, 542, 552, 606 §§ 5-7; 1909, 47 § 1, 213.

SECT. 27. Provision to secure persons furnishing materials or labor on public works. St. 1904, 349; 1909, 514 § 23. (See 1907, 188.)

SECT. 30. See St. 1904, 317.

**Chapter 21. — Of County Treasurers, the Controller of County Accounts and County Finances.**

SECT. 1. See St. 1904, 451 § 4; 1907, 560 § 307, Par. 2; 1908, 391.

SECT. 2 amended. Salaries classified and established. St. 1904, 451 §§ 1, 5; 1905, 179. Middlesex. St. 1906, 290 § 1.

SECT. 3. Clerical assistance: Bristol, St. 1906, 398; 1909, 283. Essex, 1905, 322 § 1. Hampden, 1908, 349. (See 1905, 163.) Middlesex, 1905, 322 § 2. Norfolk, 1907, 231. (See 1905, 332 § 1.) Worcester, 1908, 352.

SECT. 9 *et seq.* Future issues of county bonds, notes, etc., to be exempt from taxation in Massachusetts, if so stated upon their faces. St. 1908, 464 § 1; 1909, 490 I § 5. (See 1909, 271.)

SECT. 19. See St. 1907, 560 § 307; 1908, 391.

SECT. 20. See St. 1904, 277 § 2.

SECT. 21. See St. 1908, 464; 1909, 136, 148.

SECT. 39. Non-interest-bearing notes may be issued and sold at a discount. St. 1904, 153.

SECT. 44. See St. 1909, 271.

**Chapter 22. — Of Registers of Deeds.**

Provision for registers *pro tempore*. St. 1909, 213.

SECT. 7 amended. St. 1902, 544 § 5.

SECTS. 8, 9-12. Additional assistant in Suffolk. St. 1908, 612. (See 1909, 213.)

SECT. 9. See St. 1907, 225 § 2.

SECT. 12 amended. St. 1906, 67 § 1. (See 1907, 225 § 1.)

SECT. 18. See St. 1907, 225.

SECT. 21 *et seq.* See St. 1909, 271.

SECTS. 22, 23 affected. St. 1909, 160.

SECT. 24. See St. 1907, 225.

SECT. 31 amended. Powers of commissioners increased. St. 1902, 422.

SECT. 32 amended. Salaries classified and established. St. 1904, 452 §§ 1, 3.

Provision for future readjustments of salaries. St. 1904, 452 § 2.

SECT. 34. Provision for estimate of expense in Suffolk. St. 1909, 271.

#### Chapter 23. — Of Sheriffs.

Sheriff of any county except Suffolk may remove prisoners to and from jail and house of correction. St. 1909, 312.

SECT. 1. See St. 1908, 195, 469.

SECT. 2. See St. 1906, 147; 1907, 312.

SECT. 17. Tenure of office. St. 1906, 147.

SECT. 18. Salaries changed: Essex, St. 1907, 254. Franklin, 1902, 359. Hampden, 1906, 233. Hampshire, 1908, 442. Norfolk, 1908, 446. Plymouth, 1902, 436. Worcester, 1908, 397.

SECTS. 20, 21. Provision for estimate of expenses in Suffolk. St. 1909, 271.

#### Chapter 24. — Of Medical Examiners.

SECT. 7 amended. St. 1908, 424 § 1.

SECT. 10 amended. St. 1909, 273 § 1.

SECT. 11 amended. St. 1904, 119; 1909, 273 § 2.

#### Chapter 25. — Of Towns and Town Officers.

Provision for treatment or purification of sewage, St. 1909, 433.

Provision for boards of survey. St. 1907, 191.

Town may provide for choice of a moderator for one year. St. 1902, 346 § 1. He shall be sworn in. St. 1902, 346 § 2. Provision in case of his absence. St. 1902, 346 § 3. May provide industrial schools. St. 1906, 505 § 3. May establish a rifle range. St. 1908, 256. Public gymnasiums, baths, etc. St. 1908, 392. Town may appropriate money for observance of "old home week or day." St. 1902, 109; 1907, 311. And, not exceeding \$500, for band concerts. St. 1904, 152; 1908, 290. For propagation and cultivation of shellfish. St. 1904, 282 § 1; 1909, 469. For removal of snow and ice from sidewalks in certain cases and assess cost on abutting estates. St. 1902, 205. For monuments to soldiers and sailors of the revolution. St. 1903, 116. For certain pensions. St. 1907, 186. For maintenance of highways, with neighboring city or town. St. 1907, 196. For improvement of harbors, etc. St. 1909, 481. Towns may regulate and license junk collectors. St. 1902, 187. May grant permits in certain cases for transportation of intoxicating liquors, St. 1906, 421 § 2. May contribute toward expense of state highways. St. 1904, 125. May regulate speed of automobiles and motor cycles, and use thereof in certain ways. St. 1909, 534 § 17. (See 1903, 473 § 14; 1905, 366 § 1; 1906, 412 § 9; 1908, 263, 467.) May license lunch wagons. St. 1908, 360. (See 1905, 311; 1906, 353, 412; 1907,

203, 494.) May establish hours of labor of fire department. St. 1904, 315; 1909, 514 § 44. Pension fund for teachers. St. 1908, 498. May provide for care of neglected burial grounds. St. 1902, 389. May restrict catching of pickerel. St. 1905, 417. And lobsters. St. 1909, 265. Selectmen may authorize street railway companies to take land for certain purposes. St. 1903, 476 § 1. Towns having no electric light may contract therefor with street railway companies. St. 1902, 499; 1906, 218. (See 1906, 463 III § 59.) Provision for suppressing elm leaf beetles and gypsy and brown-tail moths. St. 1902, 57; 1905, 381; 1906, 268; 1907, 521; 1908, 591. (See 1909, 263.) Bounty to be paid for killing a wild-cat, Canada lynx or loupcevrier. St. 1903, 344 § 1. As to damages caused by wild deer, see St. 1903, 407; 1905, 419; 1908, 377; 1909, 396. Act for protection of forest or sprout land from fire. St. 1908, 209. (See 1907, 475; 1909, 394 § 2; 422.) For protection of sources of water supply. St. 1908, 499. Provision for public play grounds in certain cities and towns. St. 1908, 513. Disposition of certain disabled horses. St. 1908, 133.

Act relative to the supervision of the business of plumbing. St. 1909, 536.

Acts relative to taking land in certain cases by right of eminent domain. St. 1904, 443; 1905, 390. Act relative to common landing places. St. 1908, 606.

Cities and towns authorized to establish municipal building insurance funds. St. 1905, 191; 1907, 576 § 102.

SECT. 13 extended. St. 1907, 232 § 1.

SECT. 14 amended. St. 1902, 544 § 6. (See 1908, 360, 499.)

SECT. 15. Par. 4, see St. 1903, 400. Par. 5, see St. 1904, 125; 1907, 196. Par. 15, see St. 1903, 483. See, also, St. 1908, 290, 392, 498.

SECT. 16. See St. 1902, 57; 1905, 381; 1906, 268; 1907, 521; 1908, 591; 1909, 444.

SECT. 18 amended. St. 1908, 91.

SECT. 22 amended. St. 1909, 289. (See 1908, 452.)

SECT. 23. Par. 4, see St. 1902, 205. Par. 7, see St. 1903, 383 § 3. Par. 8, see St. 1903, 459; 1909, 103 § 1.

SECT. 24. See St. 1903, 475 § 14; 1905, 366 § 1.

SECT. 26 revised. By-laws to be approved by attorney-general and published three times. St. 1904, 244 § 1. (See 1904, 344 § 2; 1905, 144.)

SECT. 27. Repeal and substitute. St. 1907, 117; 1908, 142.

SECT. 31 *et seq.* Towns and cities may authorize laying of pipes and conduits for conveyance of water. St. 1903, 459. And for heating and power. St. 1909, 103 § 1.

SECT. 35. Extended to purchase of water. St. 1902, 361.

SECT. 37. See St. 1905, 266.

SECT. 44. See St. 1909, 371 § 6.

SECT. 45 *et seq.* See St. 1904, 317, 443.

SECT. 49. See St. 1905, 266.

SECT. 54. See St. 1902, 449.

SECT. 57. Repeal and substitute. St. 1909, 514 §§ 22, 145. (See 1904, 349.)

SECT. 59 *et seq.* See St. 1904, 364; 1905, 317 § 2; 1906, 277; 1908, 209 § 3, 306 § 3, 402 § 2, 484 §§ 2, 4.

- SECT. 65. Affected. St. 1907, 191 § 1, 560 § 371, 579 § 1.  
 SECT. 68. See St. 1907, 560 § 371, 579 § 1.  
 SECT. 69 amended. St. 1909, 517 § 3. (See 1908, 550; 1909, 492.)  
 SECT. 72 *et seq.* See St. 1904, 458 § 3.  
 SECT. 74 amended. St. 1904, 277 § 1. Police officer or treasurer may prosecute for fines, etc. St. 1904, 277 § 2.  
 SECT. 75. See St. 1908, 99.  
 SECT. 79. Certain trust accounts to be audited. St. 1904, 322. (See 1906, 296 § 1.)  
 SECTS. 81-83. Act to authorize establishment of board of survey. St. 1907, 191. (See 1908, 552.)  
 SECT. 83. See St. 1902, 57.  
 SECT. 84. See St. 1909, 433.  
 SECT. 87. Inspectors of milk. St. 1909, 405.  
 SECT. 94. Policemen and firemen may be pensioned. St. 1904, 327. And their widows. St. 1907, 186. Provision for license to carry loaded pistol. St. 1906, 172 § 1. (See 1908, 133.) Vacations for policemen. St. 1908, 476. (See 1909, 302, 346 § 2.)  
 SECT. 95. See St. 1909, 490 II § 13, 512.  
 SECT. 99. See St. 1909, 514 § 37.  
 SECT. 100. See St. 1908, 464.

#### Chapter 26. — Of Cities.

Contracts made by cities shall be open to inspection by the public. St. 1907, 343; 1909, 201.

Provision for treatment or purification of sewage. St. 1909, 433.

Cities must provide a place for preservation of certain public documents. St. 1907, 117; 1908, 142.

Cities and towns authorized to establish municipal building insurance funds. St. 1905, 191; 1907, 576 § 102. To establish industrial schools. St. 1906, 505 § 3. A rifle range. St. 1908, 256. Provision for suppressing elm leaf beetles and gypsy and brown-tail moths. St. 1902, 57; 1905, 381; 1906, 268; 1907, 521; 1908, 591. (See 1909, 263.) For disposition of disabled horses owned by city or town. St. 1908, 133.

City may appropriate money for observance of "home week." St. 1902, 109. And for memorials of persons who served in Spanish-American war. St. 1902, 286. And in the war of the revolution. St. 1903, 116. For care of neglected burial grounds. St. 1902, 389. For propagation and cultivation of shellfish. St. 1904, 282 § 1. (See 1909, 265.) For maintenance of highway, with neighboring city or town. St. 1907, 196. May contribute toward expense of state highways. St. 1904, 125.) May regulate and license junk collectors. St. 1902, 187. Lunch wagons. St. 1908, 360. May regulate speed of automobiles and motor cycles, and use thereof in certain ways. St. 1909, 534 § 17. (See 1903, 473; 1905, 311, 366; 1906, 353, 412; 1907, 203, 494, 580; 1908, 263, 467.) May establish hours of labor of fire department. St. 1904, 315; 1909, 514 § 44. Aldermen may authorize street railway companies to take land for certain purposes. St. 1903, 476 § 1. (See 1906, 463 III § 59.) Cities may authorize laying of pipes and conduits for conveyance of water. St. 1903, 459.

May grant permits in certain cases for transportation of intoxicating liquors. St. 1906, 421 § 2. (See 1909, 265.)

Acts relative to taking land in certain cases by right of eminent domain. St. 1904, 443; 1905, 390.

SECT. 2. See St. 1904, 349; 1906, 277, 296 § 1; 1908, 552.

SECT. 7. Overseers of the poor to be elected for three years in certain cities. St. 1902, 444.

SECTS. 7, 8. See act relative to term of office of municipal auditors. St. 1905, 373. And of police officers. St. 1906, 210; 1907, 272.

SECT. 15. See St. 1906, 277 § 2.

SECT. 19. See St. 1906, 210; 1907, 272; 1908, 476.

SECT. 21. Cities (except Boston) may provide annuities for widows and minor children of police officers who die from injuries received in discharge of duty. St. 1902, 437. (See 1903, 312, 428; 1906, 210; 1909, 188.) Vacations for policemen. St. 1908, 476.

SECT. 22. See St. 1907, 577.

SECT. 26 amended. St. 1909, 440 § 2. Affected. St. 1909, 289.

SECT. 28. See St. 1903, 457; 1904, 371.

SECT. 33 limited. St. 1908, 48.

SECT. 39. See St. 1909, 346 § 2, 394 § 2.

SECT. 40. See St. 1906, 291 § 10.

#### Chapter 27. — Of Municipal Indebtedness.

Contracts made by cities shall be open to public inspection. St. 1907, 343; 1909, 201.

Cities and towns authorized to establish municipal building insurance funds. St. 1905, 191; 1907, 576 § 102.

SECT. 3. See St. 1902, 325; 1905, 191 § 2; 1907, 576 § 103.

SECT. 5 revised. St. 1908, 341 § 2.

SECTS. 6, 10. Notes may be non-interest bearing and sold at a discount. St. 1904, 153. (See 1908, 250 § 2, 464, 594; 1909, 136, 148.)

SECTS. 9, 10. Provision for registration of bonds, etc., held by the Commonwealth. St. 1909, 136 § 1.

SECT. 10 amended. St. 1908, 250 § 1.

SECT. 11 amended. "Parks" added. St. 1903, 375.

SECT. 13 amended. St. 1908, 341 § 1. (See 1909, 490 I § 96.)

SECTS. 13, 14, 15. See St. 1902, 325.

SECT. 15. See St. 1905, 191 § 3; 1907, 576 § 104.

SECT. 19. See St. 1903, 226; 1907, 474 § 13.

#### Chapter 28. — Of Public Parks, Playgrounds and the Public Domain.

Provision for public playgrounds in certain cities and towns. St. 1908, 513.

Act relative to alteration of name of a public park in certain cases. St. 1909, 134.

The taking of land in certain cases by right of eminent domain is regulated. St. 1904, 443; 1905, 390. (See 1902, 521 § 1 [17]; 1904, 317; 1905, 266.)



Office of state forester established and duties prescribed. St. 1904, 409; 1907, 473; 1909, 263, 452. (See 1907, 475; 1908, 209; 1909, 394, 422.) Provision for reforestation. St. 1908, 478. (See 1909, 197.)

As to metropolitan parks, see St. 1893, 407; 1894, 288; 1895, 450; 1896, 465; 1898, 473, 531; 1899, 400, 406, 419; 1900, 413, 475; 1901, 83, 146, 380; 1902, 77, 166, 172; 1903, 158, 290, 429; 1904, 170, 236, 237, 431; 1905, 366, 456, 457; 1906, 336, 353 § 4, 368, 375; 1907, 404, 433, 449; 1908, 158, 195, 301, 324, 476, 651; 1909, 145, 362, 453, 524.

SECT. 1 amended. St. 1902, 544 § 7.

SECTS. 2, 3. See St. 1903, 158, 331 § 1; 1905, 205.

SECT. 8. See St. 1905, 266.

SECT. 10 amended. St. 1908, 341 § 3.

SECT. 17. See St. 1908, 590 § 51.

SECTS. 19-22. See St. 1908, 513.

SECT. 25. See St. 1902, 57, 495; 1904, 409; 1905, 381; 1906, 268.

#### **Chapter 29. — Of the Returns and Registry of Births, Marriages and Deaths.**

Provision for printing and preserving certain town records. St. 1902, 470.

SECT. 6. See St. 1905, 330 § 1.

SECT. 18 amended. St. 1903, 305 § 1; 1906, 415 § 1.

SECT. 22 amended. St. 1902, 544 § 8.

#### **Chapter 30. — Of Workhouses and Almshouses.**

SECT. 1. See St. 1903, 400; 1905, 162. Offenders not to be confined or associate with paupers. St. 1904, 274; 1905, 348 § 1. (See 1905, 344.)

#### **Chapter 32. — Of the State Fire Marshal, Fires, Fire Departments and Fire Districts.**

Offices of state fire marshal, deputy and subordinates abolished and department transferred to district police. St. 1902, 142; 1903, 365. (See 1904, 370, 433; 1905, 247, 280, 461; 1909, 432.)

SECT. 13. See St. 1905, 266.

SECT. 15 *et seq.* Name changed to forest wardens. St. 1907, 475 § 5. Provision for protection of forest or sprout lands from fire. St. 1907, 475; 1908, 209; 1909, 394.

SECT. 16 amended. St. 1907, 475 § 1.

SECTS. 17, 18, 22 repealed. St. 1907, 475 § 10.

SECT. 20 amended. St. 1907, 475 § 3. (See 1907, 299.)

SECT. 24. See St. 1908, 209 § 5.

SECT. 26 *et seq.* See St. 1904, 194, 315, 327.

SECT. 37. Extended to hospital ambulances. St. 1904, 161. (See 1889, 57.) Firemen's parades authorized in certain cases. St. 1906, 139.

SECT. 45. See St. 1908, 133.

SECT. 49 amended. St. 1906, 63 § 1.

SECT. 59 *et seq.* See St. 1908, 594; 1909, 136, 148.

SECT. 67 revised. St. 1908, 98.

SECTS. 71, 72. Amount increased. St. 1902, 108; 1906, 171.

SECT. 73 revised. St. 1903, 253 § 1.

SECT. 81 amended. St. 1906, 476 § 1. (See 1904, 327; 1907, 186.)

**Chapter 33. — Of Fences and Fence Viewers, Pounds and Field Drivers.**

SECT. 26. See St. 1905, 266.

**Chapter 34. — Of the Manufacture and Distribution of Gas and Electricity by Cities and Towns.**

SECT. 1, in part, repealed. St. 1906, 463 III § 158. (See 1902, 449; 1906, 218, 463 III § 59 *et seq.*)

SECT. 7 revised. St. 1908, 341 § 4.

SECT. 10 amended. St. 1903, 255 § 1.

SECT. 11 revised. St. 1905, 410 § 1. (See 1905, 410 § 7; 1906, 422.)

SECT. 12 revised. St. 1905, 410 § 2.

SECT. 18 repealed and superseded. St. 1909, 173.

SECT. 20 revised. St. 1905, 410 § 3.

SECT. 21 revised. St. 1905, 410 § 4; 1906, 411 § 1; 1908, 486.

SECT. 27 revised. St. 1905, 410 § 5.

SECT. 28. See St. 1905, 266.

SECT. 29 revised. St. 1905, 410 § 6.

SECT. 32 (new) added. St. 1905, 410 § 7.

**Chapter 35. — Of the Public Records.**

Certain public records in Norfolk to be transferred to Essex. St. 1902, 311 § 1.

SECT. 3. See St. 1902, 470 § 1.

SECT. 5. See St. 1903, 177.

SECT. 5 *et seq.* Act providing for attesting and certifying public records in certain cases. St. 1907, 225.

SECT. 9 amended. St. 1908, 57.

SECTS. 12, 14. As to custody of records deposited elsewhere than where they originally belonged, see St. 1902, 311 §§ 2, 3.

SECT. 17 limited. St. 1903, 177; 1905, 330 § 3.

SECT. 23 amended. St. 1903, 177 § 1.

**Chapter 36. — Of Parishes and Religious Societies.**

SECT. 27 amended. St. 1905, 167.

**Chapter 38. — Of Libraries.**

SECTS. 2-5. See St. 1904, 209.

SECT. 4. See St. 1903, 442; 1906, 428, 527; 1907, 278, 279, 280, 281.

SECT. 11 *et seq.* See St. 1902, 470 § 1.

SECT. 12. See St. 1908, 195.

SECT. 15. Provision for annual expenditure. St. 1906, 183.

**Chapter 39. — Of the Board of Education.**

Act to consolidate the board of education and the commission on industrial education. St. 1909, 457.

Board to appoint a commissioner of education. St. 1909, 457 § 3.

Acts relative to the employment of school teachers through the board of education. St. 1906, 399; 1907, 213.

Board may provide transportation for children in certain cases. St. 1903, 483. They may form or adjust unions of towns for employment of superintendents. St. 1903, 299. And determine their qualifications. St. 1904, 215.

SECT. 2 amended. St. 1904, 234 § 1.

SECTS. 3, 4, 9, 12, 13, 14, 15, 16 repealed. St. 1904, 234 § 3. (See 1903, 456 § 4; 1906, 502 § 6; 1908, 189, 411.)

SECT. 6 amended. St. 1909, 457 § 4.

SECT. 9. See St. 1906, 200; 1908, 427.

SECT. 10. See St. 1908, 257.

SECT. 15. See St. 1906, 399 § 2.

SECTS. 19-21. See St. 1906, 385.

SECT. 20. See St. 1905, 211 § 1.

**Chapter 40. — Of Teachers' Institutes and Associations.**

SECTS. 2, 6 in part repealed. St. 1903, 456 § 4.

SECT. 4 amended. St. 1904, 383 § 1; 1905, 260 § 1.

SECT. 5 repealed. St. 1905, 260 § 2.

**Chapter 41. — Of the School Funds.**

As to technical education fund, see St. 1904, 174.

SECTS. 4, 5 repealed and new provisions made for distribution of income of the school fund. St. 1903, 456; 1904, 107. (See 1904, 189.)

**Chapter 42. — Of the Public Schools.**

Acts relative to the employment of school teachers through the board of education. St. 1906, 399; 1907, 213.

Provisions for schools in Boston. St. 1889, 297; 1895, 408; 1897, 202, 442; 1898, 400; 1899, 362; 1900, 235, 237; 1901, 448, 473; 1902, 386; 1903, 170; 1904, 212, 376; 1905, 349, 392; 1906, 205, 231, 259, 318, 489 § 8; 1907, 295, 357, 450; 1908, 524, 589; 1909, 120, 223, 388, 446, 537.

Provision for schools for the blind. St. 1906, 385 §§ 4-6. For industrial education. St. 1906, 505; 1908, 572, 639; 1909, 457, 489, 540. For a state school for the feeble-minded. St. 1909, 504 §§ 59-65. (See 1906, 508; 1907, 421; 1908, 629.)

SECT. 1 amended. St. 1908, 181.

SECT. 3 amended as to amounts to be furnished by the Commonwealth. St. 1902, 433; 1906, 200; 1908, 427.

SECT. 10 repealed. St. 1906, 505 § 8.

SECT. 14. See St. 1904, 172.

SECT. 20. See St. 1905, 328; 1908, 354.

SECTS. 25-39. School committees authorized to exhibit school work in certain cases. St. 1904, 172. No member of school committee shall be eligible to position of teacher, master or superintendent of public schools of the town or district. St. 1904, 173. Provision for appointment of school physicians. St. 1906, 502; 1908, 189, 412. For pension funds. St. 1908, 498.

SECTS. 26, 34. See act relative to authority of school committee over organizations of school pupils. St. 1906, 251.

SECT. 28. See St. 1906, 399; 1908, 498.

SECT. 30 repealed. St. 1903, 456 § 4. (See 1904, 107.)

SECT. 39. See St. 1904, 107 § 2.

SECT. 43. See St. 1906, 505 § 4.

SECTS. 43-48. Board of education may form or adjust unions of towns. St. 1903, 299. And determine qualifications of superintendents. St. 1904, 215.

SECT. 50 amended. St. 1909, 229.

#### Chapter 44. — Of School Attendance.

SECT. 1 amended. St. 1905, 320; 1906, 383. (See 1906, 413, 489.)

SECT. 4 amended. St. 1905, 375 § 1.

SECT. 4 *et seq.* See St. 1903, 483.

SECT. 6 amended. St. 1906, 371 § 1; 1907, 215.

#### Chapter 45. — Of the Nautical Training School.

SECT. 5 amended relative to annual expenditure. St. 1903, 171 § 1. (See 1908, 195, 469.)

#### Chapter 46. — Of Truants and Truant Schools.

Act to provide for the commitment of habitual truants, habitual absentees and habitual school offenders. St. 1906, 389. (See 1906, 489, 499 § 3; 1907, 137, 158, 195, 411; 1908, 286; 1909, 514 §§ 57, 62-65.)

Acts relative to wayward and delinquent children. St. 1906, 413, 489; 1907, 411; 1908, 637.

SECT. 1 amended. Franklin and Hampshire excepted. St. 1902, 256. (See 1906, 148; 1908, 103.)

SECTS. 3, 4, 5 revised. St. 1903, 330 §§ 1, 2, 3; 1904, 220 §§ 1, 2, 3; 1906, 389. (See 1906, 413, 489; 1908, 286.)

SECT. 8 amended. St. 1904, 220 § 4.

SECT. 9 amended. Jurisdiction transferred to board of trustees or county commissioners. St. 1903, 308 § 1.

SECT. 10 amended. St. 1903, 330 § 4.

SECT. 11. See St. 1903, 334 §§ 1-3; 1906, 389, 413, 489, 499 § 5, 501; 1907, 137, 158, 195.

SECT. 13. See St. 1904, 356; 1906, 499.

**Chapter 47. — Of State Highways.**

As to the Massachusetts highway commission, see St. 1904, 108, 117; 1906, 433; 1907, 446; 1908, 648; 1909, 134, 454, 464, 534 §§ 17, 18, 20, 24–27, 31.

An act relative to shade trees on state highways. St. 1905, 279; 1908, 297. (See 1908, 296 § 4.)

Provision for expenses. St. 1902, 246; 1903, 280; 1904, 244; 1908, 642.

SECTS. 1, 2. Act relative to motor vehicles and to the operation thereof. St. 1909, 534. (See 1902, 315; 1903, 473; 1905, 311, 366; 1906, 353, 412; 1907, 203, 408, 494, 580; 1908, 263, 467, 642, 648.)

SECT. 3. See St. 1906, 433 § 4.

SECT. 5 amended. St. 1909, 464 § 1.

SECT. 6 amended. St. 1904, 108 § 1; 1909, 464 § 2. (See 1904, 117, 317, 443.)

SECTS. 9, 13. See St. 1905, 266.

SECT. 10. Towns and cities may contribute toward expense of construction. St. 1904, 125.

SECT. 11. See St. 1905, 279.

SECT. 16. In part repealed. St. 1909, 454 § 2. (See St. 1903, 280 § 2; 1904, 244 § 1; 1908, 642 § 1.)

SECT. 17 revised. St. 1908, 279.

SECT. 21. See St. 1905, 279; 1906, 463 III § 72; 1909, 134.

**Chapter 48. — Of the Laying Out and Discontinuance of Ways and of Damages caused by the Taking of Land for Public Uses.**

Provision for appeal in case of alteration of name of a public way, place or section or of any public park, where the name has been in use for twenty-five years. St. 1909, 134.

Act relative to common landing places. St. 1908, 606.

Provision for laying out, etc., of ways in towns by a board of survey. St. 1907, 191. And for maintenance by neighboring cities or towns. St. 1907, 196. As to maintenance of certain bridges, see St. 1908, 552.

An act relative to damages for the taking of property by right of eminent domain. St. 1904, 317. The taking of land in certain cases by right of eminent domain is regulated. St. 1904, 443; 1905, 390. (See 1902, 521 § 1.)

SECTS. 1–5. See St. 1890, 320 § 19; 1906, 260; 1907, 191.

SECT. 12. See St. 1907, 191 § 4.

SECTS. 13–16. See St. 1904, 317.

SECTS. 17–19, 26. See St. 1906, 463 II § 95.

SECTS. 20, 26, 27. See St. 1905, 266.

SECT. 33. See St. 1909, 504 § 37.

SECT. 52 amended. Towns may be required to pay. St. 1903, 243. (See 1904, 125.)

SECTS. 54, 55 amended. St. 1908, 431 §§ 4, 5.

SECT. 68 *et seq.* See St. 1904, 317.



SECT. 85. See St. 1906, 463 III § 50.

SECT. 88. Ways in Suffolk. St. 1888, 397; 1891, 323; 1892, 401, 415 § 3, 418; 1895, 494; 1896, 237; 1897, 166, 167, 319, 394; 1898, 210, 252, 298, 566; 1899, 433, 443, 450; 1900, 478; 1901, 199, 465; 1902, 521; 1906, 214, 258. (See 1898, 540 § 2; 1903, 331 § 2; 1905, 205 § 1; 1908, 447.)

An act relative to Boston bridges. St. 1902, 224. (See 1904, 412.)

SECT. 90. See St. 1906, 463 II §§ 2, 7.

SECT. 97. See St. 1904, 117; 1906, 128.

SECT. 107 *et seq.* See St. 1904, 317; 1908, 499.

#### Chapter 49. — Of Sewers, Drains and Sidewalks.

Act to provide for treatment or purification of sewage. St. 1909, 433.

As to metropolitan water and sewerage system, see St. 1889, 439; 1895, 342, 406; 1897, 80, 81, 83, 88, 502; 1901, 168; 1902, 101, 189; 1903, 161, 242; 1905, 457; 1906, 235, 337, 338, 369, 404, 406, 457, 530; 1907, 165, 238.

As to Boston, see St. 1891, 323; 1892, 402; 1894, 227, 256; 1895, 297, 494; 1896, 237, 359; 1897, 426; 1898, 257; 1899, 450; 1900, 126, 478; 1901, 199; 1902, 521, 526; 1903, 268; 1907, 464.

Provision for separate systems of drainage for sewage and other waters. St. 1903, 383. (See 1907, 464.)

SECT. 1. See St. 1907, 191 § 4.

SECT. 2. See St. 1904, 317, 443; 1905, 266, 390.

SECT. 15 amended. St. 1907, 177; 1908, 356.

SECT. 16 amended. St. 1908, 453.

SECT. 24 amended. St. 1907, 365.

SECT. 30. See St. 1903, 383 § 1.

SECTS. 43-45. Provision for apportionment of sidewalk assessments. St. 1908, 216.

#### Chapter 50. — Of Betterments and Other Assessments on Account of the Cost of Public Improvements.

Provision for authoritative ascertainment of municipal liens on real estate. St. 1907, 378; 1908, 299; 1909, 490 II § 20.

As to assessments in Boston, see St. 1902, 521 § 1, 527; 1903, 235.

SECT. 1. See St. 1904, 443 § 23; 1906, 463 III §§ 67-69.

SECT. 3. See St. 1904, 317.

SECT. 11 revised. St. 1902, 503.

SECTS. 15, 16. Provision for apportionment of sidewalk assessments. St. 1908, 216.

#### Chapter 51. — Of the Repair of Ways and Bridges.

Act relative to the maintenance of highways by neighboring cities or towns. St. 1907, 196. Relative to repair and maintenance of certain bridges. St. 1908, 552.

Provision for paving private passageways in certain cities. St. 1894, 119; 1907, 256.

SECT. 1. See St. 1909, 289.

SECT. 18. See St. 1905, 266.

SECTS. 20, 21, 22 affected. St. 1908, 305. (See 1907, 204.)

**Chapter 52. — Of Regulations and By-Laws relative to Ways and Bridges.**

Advertising signs restricted in streets of Boston. St. 1895, 352; 1897, 413 § 6. Licenses for street stands in Boston. St. 1907, 584; 1909, 329.

Provisions for regulating use and operation of automobiles and motor vehicles. St. 1902, 315; 1909, 534. (See 1903, 473; 1905, 311, 366; 1906, 353, 412; 1907, 203, 408, 494, 580; 1908, 263, 642, 648.)

SECT. 1. See St. 1906, 234.

SECT. 5. See St. 1902, 205.

SECTS. 7, 8. Hospital ambulances shall have right of way in streets. St. 1904, 161.

**Chapter 53. — Of the Boundaries of Highways and Other Public Places and Encroachments thereon.**

SECT. 6 amended. St. 1908, 296 § 1.

SECT. 12 amended. St. 1908, 296 § 2. (See 1902, 57; 1904, 409; 1905, 279, 381; 1906, 268; 1908, 297.)

SECT. 13 amended. St. 1908, 296 § 3.

SECT. 14 repealed. St. 1907, 475 § 10.

**Chapter 54. — Of the Law of the Road.**

Act relative to the law of the road. St. 1908, 512.

Act regulating use and operation of motor vehicles. St. 1909, 534. (See 1902, 315; 1903, 473 §§ 3-11; 1905, 311, 366; 1906, 353, 412, 433; 1907, 203, 408, 494, 580; 1908, 263, 467, 642, 648.)

Rights of way. Troops. St. 1905, 465 § 149. Hospital ambulance. St. 1904, 161.

**Chapter 56. — Of the Regulation of Trade and the Inspection and Sale of Food.**

Act to make uniform the law relating to the sale of goods. St. 1908, 237.

Act relative to monopolies and discriminations in sale of articles or commodities in common use. St. 1908, 454.

Provision for inspectors and collectors of milk. St. 1909, 405, 443.

Act to regulate lease and sale of machinery, tools, implements and appliances. St. 1907, 469.

An act relative to wood alcohol. St. 1905, 220.

Misrepresentations as to merchandise for sale are made punishable. St. 1902, 397; 1907, 383. (See 1903, 415.)

SECTS. 3, 4 repealed. Office of inspector general of fish abolished, and powers and duties transferred to commissioners on fisheries and game. St. 1902, 138.

SECT. 5 repealed. St. 1903, 196 § 1.

- SECTS. 42, 52. See St. 1908, 531 § 5; 1909, 405.  
SECT. 48 amended. Penalty changed. St. 1903, 361.  
SECT. 51 amended. St. 1909, 405 §§ 1, 4.  
SECT. 52 amended. St. 1909, 405 §§ 2, 4.  
SECTS. 53, 54 are revised. St. 1909, 443. (See 1909, 405 § 3.)  
SECT. 55. See St. 1906, 116 §§ 1, 2. Act relative to proper marking of heated milk. St. 1908, 570.  
SECT. 56 revised. St. 1908, 643.  
SECT. 56 *et seq.* Standard established for cream. St. 1907, 216.  
SECT. 59. See St. 1906, 116 § 3, 323; 1908, 435.  
SECT. 65 *et seq.* Name of station changed to Massachusetts Agricultural Experiment Station. St. 1907, 66.  
SECTS. 67, 68 amended. St. 1909, 425.  
SECT. 70 affected. St. 1907, 243. Amended. St. 1908, 411 § 1. (See 1903, 220; 1908, 329; 1909, 471, 474.)  
SECT. 71 amended. St. 1908, 411 § 2.  
SECT. 72 amended. St. 1908, 411 § 3.  
SECT. 73 limited. St. 1907, 293.

#### Chapter 57. — Of the Inspection and Sale of Various Articles.

- Act relative to sale of paint, turpentine and linseed oil. St. 1908, 531.  
Provision for penalty for giving false weight or measure. St. 1907, 394.  
Baking powders to be labelled with names of ingredients. St. 1902, 540.  
SECT. 4 amended. St. 1909, 191.  
SECT. 6 revised. St. 1908, 197.  
SECT. 11 *et seq.* Regulations for sale of concentrated feed stuffs. St. 1903, 122 §§ 1-10; 1904, 332 § 1.  
SECT. 12. Name of station changed. St. 1907, 66.  
SECT. 18. See St. 1907, 289.  
SECT. 20 superseded. St. 1903, 122 § 11.  
SECT. 22 amended. St. 1909, 350.  
SECT. 24 revised. St. 1903, 408 §§ 1-3; 1905, 209.  
SECT. 25. See St. 1908, 237 § 6.  
SECTS. 31, 39, 46, 60, 63, 91. See St. 1907, 394.  
SECT. 39. Inspection and weighing to be made when required by vendee at the time. St. 1902, 459.  
SECT. 83. A woman or a non-resident may be appointed a weigher of coal. St. 1902, 159, 453 § 1.  
SECT. 84 revised. St. 1907, 228 § 1. (See 1908, 237 § 6.)  
SECT. 84 *et seq.* License required for dealer in coal or coke. St. 1903, 484.  
SECT. 85 repealed. St. 1907, 228 § 2.  
SECT. 86 revised. St. 1908, 205 § 1.  
SECT. 87 amended. St. 1908, 205 § 2; 1909, 424 § 1.  
SECT. 88 amended. St. 1902, 453 § 2; 1908, 304.  
SECT. 89 amended. St. 1902, 453 § 3.  
SECT. 91 amended. St. 1902, 453 § 4.

**Chapter 58. — Of the Inspection of Gas and Gas Meters.**

SECT. 1. Powers and duties of inspector transferred to board of gas and electric light commissioners. St. 1902, 228 § 1. (See 1906, 422.) Inspectors' salaries. St. 1908, 536 § 2. (See 1902, 228 § 6; 1907, 54 § 2; 1908, 529; 1909, 316, 477, 483.)

SECTS. 1, 2, 3, 4, 5, 6, 7. Repeal and substitute. St. 1902, 228; 1907, 54. (See 1908, 195, 469; 1909, 318.)

SECT. 9 superseded. St. 1909, 483 § 1.

SECT. 13 superseded. St. 1909, 483 § 2.

SECT. 14 superseded. St. 1909, 483 § 3. (See 1902, 228; 1903, 464, § 1.)

SECT. 19 superseded. St. 1909, 483 § 4.

**Chapter 60. — Of the Survey and Sale of Lumber, Ornamental Wood and Ship Timber.**

SECT. 1. See St. 1908, 195, 469.

SECT. 4 amended. St. 1902, 477 § 1.

SECT. 7 amended. St. 1902, 477 § 2.

SECTS. 9, 10, 11 repealed. St. 1902, 477 § 3.

**Chapter 62. — Of Weights and Measures.**

The provisions of this chapter are extended to weights, balances, etc., having a device to indicate price as well as weight. St. 1907, 535. And to certain devices for adjusting, testing etc., used for hire or reward. St. 1909, 412 § 1.

Act relative to the penalty for giving false weight or measure. St. 1907, 394. (See 1909, 350.)

Provision for the testing and sealing of taximeters. St. 1909, 541.

SECTS. 2, 3. See St. 1903, 408 § 1.

SECT. 3. Barrel of sweet potatoes 150 pounds. St. 1902, 115.

SECTS. 8-11 in part superseded and a State commission established. St. 1907, 534. (See 1902, 457; 1909, 424 § 2, 541 §§ 2, 3.)

SECTS. 12-20. County treasurers not to have custody of standard weights, etc., or to act as sealers. St. 1909, 310.

SECT. 17 amended. Provision charging expense to counties, cities and towns omitted. St. 1902, 539.

SECT. 18. Civil service rules to apply to certain appointments. St. 1909, 382.

SECT. 20 revised. St. 1907, 283, 534 § 3.

SECT. 21 *et seq.* See St. 1903, 408 § 2; 1905, 209; 1909, 412 § 2, 424 § 2, 541.

SECT. 29 *et seq.* Sealers to report to state commissioner. St. 1907, 534 § 5.

SECT. 33 revised. St. 1906, 215. (See 1907, 394.)

SECT. 43 amended. St. 1909, 531. See act relative to sealing glass bottles or jars for milk, etc. St. 1906, 323.

**Chapter 63. — Of the Metric System of Weights and Measures.**

SECTS. 3, 4, in part, superseded. St. 1907, 534 §§ 3, 4. (See 1907, 535.)

**Chapter 64. — Of Auctioneers.**

SECT. 6 *et seq.* Auction sales of horses in Boston restricted. St. 1904, 336; 1905, 426. And of certain lame or diseased horses. St. 1906, 185 §§ 1, 3. (See 1908, 237 § 21.)

SECT. 15. See St. 1908, 237 § 13 (4).

**Chapter 65. — Of Itinerant Vendors, Hawkers and Pedlers.**

SECT. 3. Provision for revocation of license. St. 1908, 208.

SECT. 9 amended. St. 1902, 544 § 9.

SECT. 15 revised. St. 1906, 345. (See 1905, 377.)

SECT. 17 amended. St. 1902, 531; 1906, 151.

SECT. 19 revised. St. 1907, 571 § 1. (See 1905, 204.)

SECT. 19 *et seq.* Secretary may revoke license in certain cases. St. 1908, 208.

SECT. 21 repealed. St. 1907, 571 § 2. (See 1903, 432.)

**Chapter 66. — Of Shipping and Seamen, Harbors and Harbor Masters.**

Lines and regulations in certain harbors: Boston, St. 1882, 48; 1891, 309; 1892, 358 § 2; 1897, 486; 1898, 278; 1899, 469; 1901, 196; 1908, 579. Buzzard's Bay, 1898, 169. Charles River, 1897, 479; 1901, 245, 401. (See 1903, 465.) Chelsea, 1887, 344. Gloucester, 1882, 103; 1883, 109; 1885, 315; 1895, 106. Haverhill, 1883, 104; 1902, 313; 1905, 327. New Bedford, 1901, 243; 1903, 363.

SECT. 6. See St. 1908, 579.

SECT. 17. Provision for supervision of transportation and dumping of materials in tide waters. St. 1907, 229.

SECT. 19 amended. St. 1909, 270 § 1. As to Boston, see St. 1889, 147; 1909, 270 § 2.

**Chapter 67. — Of Pilots and Pilotage.**

Fees established: Cohasset, St. 1887, 298. Salem and Beverly, 1887, 204. Winthrop, 1892, 114. Woods Hole, 1889, 275.

SECT. 17. See St. 1907, 490.

**Chapter 68. — Of Agents, Consignees and Factors.**

SECTS. 2-4. Provision for dissolution of lien. St. 1907, 490.

SECTS. 4-6. See St. 1908, 237 §§ 23-30.

SECT. 6. See St. 1905, 324.

**Chapter 69. — Of Public Warehouses.**

Act relative to goods stored with public warehousemen. St. 1909, 227.

Act to make uniform the law of warehouse receipts. St. 1907, 582.

Provision for dissolution of lien. St. 1907, 490. (See 1907, 582 § 34.)

Charges for storage of baggage by railroad corporations. St. 1907, 287; 1908, 504.



**Chapter 70. — Of Common Carriers and Express Companies.**

Act relative to trustee process against common carriers. St. 1905, 324.

Acts to grant to the board of railroad commissioners supervisory powers over express companies. St. 1906, 266; 1908, 599.

Acts relative to taking of deposits for transmitting to foreign countries, or other purposes. St. 1905, 428; 1906, 408; 1907, 377; 1908, 493; 1909, 287, 450.

SECTS. 3, 4. See St. 1907, 539 § 2; 1908, 316.

**Chapter 71. — Of Limited Partnerships.**

SECT. 3. Names to be recorded in city or town clerk's office in certain cases. St. 1907, 539. (See 1908, 316.)

**Chapter 72. — Of the Use of Labels, Trade-Marks and Names.**

Provision as to labels on baking powders. St. 1902, 540. Drugs and patent foods. St. 1906, 386; 1907, 259.

SECT. 5. Names to be recorded in certain cases. St. 1907, 539. (See 1908, 316.)

SECTS. 7, 8. Certain insignia, badges, etc., may be registered, and the unauthorized use thereof is prohibited. St. 1904, 335; 1907, 232 § 3; 1909, 514 §§ 31, 32. (See 1902, 430; 1903, 275; 1908, 280.)

SECT. 16 amended. St. 1909, 196.

SECTS. 19-22. An act to prohibit misuse of vessels used in sale of milk. St. 1906, 116.

**Chapter 73. — Of Money and Negotiable Instruments.**

SECT. 7 amended. St. 1905, 454 § 1.

SECT. 8 amended. St. 1905, 454 § 2.

SECTS. 88, 92, 102, 103. See St. 1907, 204.

SECT. 212. See St. 1908, 237 § 73.

**Chapter 74. — Of the Prevention of Frauds and Perjuries.**

Act to make uniform the law relating to the sale of goods. St. 1908, 237.

SECT. 5 repealed. St. 1908, 237 § 78. (See 1908, 237 § 4.)

**Chapter 75. — Of the Preservation of the Public Health.**

Acts for protection of health. St. 1902, 322; 1903, 220, 475; 1904, 395; 1906, 116, 165, 250, 386; 1907, 164, 180, 259, 410; 1908, 150, 307, 325, 329, 381, 411, 435, 539, 570; 1909, 319, 375, 391, 433, 471, 474.

Persons afflicted with leprosy shall be State charges. St. 1909, 250. (See 1905, 474.)

Act to provide for the establishment of health districts and the appointment of inspectors of health. St. 1907, 537. (See 1907, 499; 1908, 325 § 3, 329, 487; 1909, 514 §§ 89, 105, 106.)

Board to have supervision of water companies. St. 1909, 319.

As to metropolitan water and sewerage system, see St. 1889, 439; 1895, 342, 406, 488; 1897, 80, 81, 83, 88, 502; 1899, 342; 1900, 108; 1901, 168, 498; 1902, 101, 189, 391, 535; 1903, 161, 242, 356; 1904, 186, 230, 246, 273, 317, 426, 431; 1905, 457; 1906, 189, 235, 337, 338, 369, 404, 406, 457, 530; 1907, 165, 238, 349, 524; 1908, 556, 558; 1909, 177, 243, 258, 282, 320, 453, 473. Board of health shall publish in report and may publish in newspapers analyses and information as to adulterations. St. 1902, 272. (See 1902, 230.)

Board shall define what diseases are deemed dangerous to the public health. St. 1907, 183.

Provision for appointment of school physicians. St. 1906, 502; 1908, 189, 411.

Provision for suppressing insect pests. St. 1902, 57; 1905, 381; 1906, 268; 1908, 591. (See 1909, 263.) For paving private passageways in certain cities. St. 1907, 256. For treatment or purification of sewage. St. 1909, 433.

Act to establish a standard for cream. St. 1907, 216. To prohibit misuse of vessels used in sale of milk. St. 1906, 116; 1908, 435. (See 1909, 425.)

Provision for separate systems of drainage for sewage and other waters. St. 1903, 383.

Act to establish a board of registration in embalming. St. 1905, 473.

Provision for hospital for lepers. St. 1905, 474; 1909, 250.

Act relative to wood alcohol. St. 1905, 220.

SECT. 3. Salary changed. St. 1906, 425; 1907, 364.

SECT. 4 amended. St. 1903, 480. (See 1905, 344; 1906, 386 § 6, 502 § 6; 1907, 183, 285; 1908, 189, 329; 1909, 319, 346 § 3, 433 § 3; Res. 1909, 72.)

SECTS. 4, 5. Powers and duties of inspector and assayer of liquors transferred to board of health. St. 1902, 110. (See 1902, 541; 1906, 502 § 6; 1907, 499, 537; 1908, 469.)

SECT. 6 amended. Amount increased. St. 1903, 467; 1907, 208. (See 1908, 195.)

SECT. 8. See St. 1904, 395 § 1; 1909, 391 § 1.

SECT. 9 *et seq.* See St. 1908, 379.

SECT. 10. See St. 1906, 502.

SECT. 13. See St. 1909, 405, 443.

SECT. 16 amended. St. 1903, 367 § 1.

SECT. 16 *et seq.* Sale or gift of certain harmful medicines, drugs, etc., restricted. St. 1906, 386; 1907, 180; 1908, 307; 1909, 375.

SECTS. 18, 19. Baking powders to be labelled. St. 1902, 540 § 1. Also certain patent or proprietary drugs and food. St. 1906, 386; 1907, 259. (See 1903, 367; 1907, 180; 1908, 307.)

SECT. 24 amended. St. 1905, 236; 1906, 305.

SECTS. 25, 26 repealed. St. 1908, 238 § 1. (See 1903, 367 § 1; 1906, 386 § 6; 1907, 259; 1908, 525 § 3.)

SECT. 34 revised. St. 1902, 403.

SECT. 35 *et seq.* Provision for three State sanatoriums for tubercular patients. St. 1907, 474.

- SECTS. 35-42 revised. St. 1906, 365 § 1. (See 1902, 206; 1904, 395; 1906, 225, 365 § 4; 1907, 183, 445; 1909, 391.)
- SECT. 36 amended. St. 1907, 445. (See 1909, 391 § 1.)
- SECT. 46 revised. St. 1906, 365 § 2. (See 1902, 206 § 2.)
- SECTS. 47, 52. See St. 1904, 395 § 1.
- SECTS. 49, 50 amended. St. 1905, 251; 1907, 480 § 1.
- SECT. 52 amended. St. 1907, 480 § 1. (See 1902, 213 § 1; 1907, 386; 1909, 380, 391.)
- SECT. 56 revised. St. 1906, 365 § 3.
- SECT. 57 revised. St. 1902, 213; 1907, 386; 1909, 380. (See 1904, 395 § 2; 1907, 183.)
- SECT. 63. See St. 1905, 330.
- SECT. 65 *et seq.* Spitting in certain public places and conveyances prohibited. St. 1906, 165; 1907, 410; 1908, 150. Certain lung-testing machines. St. 1908, 381 § 2.
- SECT. 79. See St. 1903, 383.
- SECT. 81. See St. 1905, 266.
- SECT. 90 amended. Expense of purifying, and value of articles destroyed may be charged to city or town. St. 1903, 306 § 1.
- SECT. 100 affected. St. 1907, 243.
- SECT. 102. See St. 1908, 329 § 4.
- SECTS. 103, 104 superseded. St. 1902, 312 § 1; 1903, 220 § 1; 1909, 471, 476. (See 1908, 329, 411.)
- SECT. 104 amended. St. 1909, 476. (See 1909, 471, 474.)
- SECT. 105 amended. St. 1902, 312 § 2; 1903, 220 § 2; 1908, 329 § 6; 1909, 474.
- SECT. 112 *et seq.* See St. 1902, 541; 1906, 158 § 1; 1908, 499, 539; 1909, 319.
- SECT. 113 amended. St. 1907, 467.
- SECT. 118. See St. 1905, 266; 1906, 158 § 1.
- SECT. 122. See St. 1909, 514 § 81.
- SECT. 124. See St. 1908, 499, 539.
- SECT. 129 affected. St. 1908, 539.
- SECT. 136 repealed. St. 1908, 337.
- SECT. 137 revised. St. 1902, 190 § 1.
- SECT. 139 revised. St. 1902, 190 § 2, 544 § 10.

#### Chapter 76. — Of the Registration of Physicians, Surgeons, Pharmacists and Dentists.

- Provision for registration of veterinary practitioners and board of registration established. St. 1903, 249; 1906, 503; 1907, 314. For registration of embalmers. St. 1905, 473. And of osteopaths. St. 1909, 526.
- Salaries and allowance for travel fixed. St. 1902, 505; 1903, 228, 249 § 1; 1907, 399.
- SECT. 2. See St. 1908, 469.
- SECT. 3. See St. 1909, 504 §§ 32, 91.
- SECTS. 4, 12, 27 repealed. St. 1902, 505 § 6.
- SECT. 8. See St. 1909, 526 § 4.

SECT. 9 amended. St. 1909, 526 § 6. (See 1903, 249 § 9; 1907, 314 § 2; 1909, 504 § 32.)

SECT. 10 amended. St. 1909, 261 § 3.

SECT. 11 amended. St. 1909, 261 § 4. (See St. 1908, 469.)

SECT. 14 amended. St. 1906, 120; 1908, 525 § 1. Board may suspend certificate. St. 1909, 261 § 5.

SECT. 16 amended. St. 1907, 140. (See 1902, 327; 1906, 281; 1907, 308; 1909, 261.)

SECT. 17 amended. St. 1902, 321.

SECT. 18 amended. St. 1908, 525 § 2.

SECT. 23 amended. St. 1902, 327; 1908, 525 § 3. (See 1906, 281; 1907, 180; 1908, 238, 307.)

SECTS. 24-28 limited. St. 1903, 219.

SECT. 26 amended. St. 1908, 294 § 1.

SECT. 28 revised. St. 1909, 301. (See 1905, 289 § 1; 1908, 294 § 2.)

SECT. 29 amended. St. 1903, 219; 1905, 289 § 2.

#### **Chapter 77. — Of the Promotion of Anatomical Science.**

Act to establish a board of registration of embalmers. St. 1905, 473.

SECT. 4 amended. St. 1904, 204.

SECT. 5 (new section) added relative to autopsies. St. 1902, 417.

#### **Chapter 78. — Of Cemeteries and Burials.**

Cities and towns may appropriate money for care of neglected burial grounds. St. 1902, 389.

SECTS. 1, 2. See St. 1908, 379, 590 § 51.

SECTS. 3, 4. See St. 1907, 225.

SECT. 9. See St. 1907, 138.

SECT. 12. See St. 1908, 379.

SECT. 15. See St. 1908, 379 § 3.

SECT. 16 amended. St. 1909, 279.

SECT. 19 revised. St. 1904, 422 § 1.

SECT. 20 amended. St. 1904, 422 § 2.

SECT. 30 amended. St. 1908, 379 § 1.

SECT. 31. See St. 1908, 379 §§ 2, 3.

SECT. 37 revised. St. 1907, 138.

SECT. 44. See St. 1905, 473.

#### **Chapter 79. — Of State and Military Aid and Soldiers' Relief.**

SECT. 1 superseded. St. 1902, 192 §§ 1-4.

SECTS. 2-16 superseded. St. 1909, 468 §§ 2-16. (See 1902, 192, 216, 250, 251, 292; 1903, 387, 420; 1904, 381; 1907, 43, 354; 1908, 405.)

SECTS. 20, 21 superseded. St. 1909, 468 §§ 17, 18. (See 1902, 250, 292; 1904, 381.)

SECTS. 22, 23 superseded. St. 1902, 192 § 1; 1904, 381 § 1; 1909, 468 § 1.

**Chapter 81. — Of the Support of Paupers by Cities and Towns.**

Act to provide that persons afflicted with leprosy shall be State charges. St. 1909, 250.

Massachusetts commission for the blind may provide temporary support in certain cases. St. 1906, 385 § 6.

SECT. 2. See St. 1905, 162.

SECT. 4 amended. St. 1905, 285.

SECT. 5 amended. St. 1905, 303 § 1. Provision for care of indigent and neglected children. St. 1903, 334; 1904, 356; 1906, 501; 1908, 104; 1909, 180, 181. (See 1909, 504 §§ 66, 67.)

SECT. 7 amended. St. 1905, 303 § 2.

SECT. 17. See St. 1909, 292.

SECT. 17 *et seq.* See St. 1905, 354.

SECT. 21 amended to provide for case of refusal to submit to removal. St. 1903, 355 § 1. (See 1903, 233.)

SECT. 22. Cities and towns shall require tramps and vagrants lodged to perform labor. St. 1905, 344. (See 1904, 274; 1905, 348.)

SECT. 25. See St. 1902, 206, 213; 1905, 330.

SECTS. 26-28. See St. 1905, 464.

SECTS. 40, 41. See St. 1909, 208.

SECT. 41 revised. St. 1905, 115.

**Chapter 82. — Of the Maintenance of Bastard Children.**

SECT. 1 amended. St. 1904, 159.

SECT. 12 amended. St. 1905, 345.

**Chapter 83. — Of the Protection of Infants and the Care of Pauper Children.**

Act to establish the Massachusetts commission for the blind. St. 1906, 385; 1907, 173.

Provision for school for the feeble-minded. St. 1906, 508; 1907, 421; 1909, 504 §§ 11, 59-65. (See 1906, 359; 1907, 489; 1908, 629.)

The Massachusetts school and home for crippled and deformed children is established. St. 1904, 446; 1905, 128; 1907, 226; 1909, 497.

Provision for care of indigent and neglected children. St. 1903, 334; 1904, 356; 1906, 501; 1908, 104; 1909, 180, 181. (See 1909, 504, §§ 66, 67.)

SECT. 10 amended. St. 1905, 269.

SECT. 20 *et seq.* Protection of minors in religious belief of their parents. St. 1905, 464.

SECT. 25 *et seq.* See St. 1906, 413 §§ 5, 8, 14.

SECT. 29. See St. 1903, 333.

SECT. 37 revised. St. 1903, 334 §§ 1-5, 7; 1906, 489; 1909, 181. (See 1904, 356; 1907, 195; 1909, 180.)

SECT. 38 revised. St. 1903, 334 §§ 6, 7. (See 1904, 356; 1907, 195.)



**Chapter 84. — Of the State Board of Charity.**

Inmates of institutions under supervision of state board of charity may correspond with the board. St. 1906, 341.

Act to establish the Massachusetts commission for the blind. St. 1906, 385; 1907, 173.

Provision for hospital for lepers. St. 1905, 474. Persons afflicted with leprosy shall be State charges. St. 1909, 250.

SECT. 2 amended. St. 1908, 598.

SECT. 2 *et seq.* Powers and duties of the board. St. 1903, 231, 233, 402; 1904, 395, 446 § 12; 1905, 162, 474; 1906, 341, 413 §§ 4, 5, 8, 14; 1907, 222 § 2, 271; 1908, 555, 598; 1909, 391, 472. (See 1904, 356 § 3; 1905, 128, 211 § 11; 1908, 195; 1909, 514 § 26.)

SECT. 4 amended. St. 1909, 208.

SECT. 7 amended. St. 1905, 211 § 11.

SECT. 8 *et seq.* The board may provide for care of persons infected with diseases dangerous to the public health. St. 1904, 395; 1909, 391. (See 1907, 386; 1908, 555; 1909, 250, 292, 380.)

SECT. 11 amended. St. 1903, 231 § 1. (See 1903, 233.)

SECT. 14 amended. St. 1903, 402 § 1; 1909, 379.

**Chapter 85. — Of the State Hospital and the State Farm.**

Provision for three sanatoriums for tubercular patients. St. 1907, 474; 1908, 532. (See 1908, 598.)

Inmates may correspond with board of charity. St. 1906, 341.

Provision for hospital for lepers. St. 1905, 474. Inmates to be state charges, St. 1909, 250.

SECT. 2. See St. 1908, 195, 469, 470.

SECT. 6. Certain advances authorized. St. 1908, 178. (See 1907, 466; 1908, 469; 1909, 218.)

SECT. 10 amended. St. 1903, 233.

SECTS. 14, 15. See St. 1902, 213; 1907, 386; 1909, 380, 391.

SECT. 15 amended. St. 1908, 555. Medical attendance added. St. 1909, 292.

SECT. 16 revised. St. 1909, 98.

SECT. 28. See St. 1907, 466.

SECT. 33 amended. St. 1903, 188.

SECT. 39 amended. St. 1904, 216.

SECT. 40. See St. 1908, 470.

SECTS. 42, 43, 44 repealed. St. 1909, 504 § 107. (See 1906, 324.)

**Chapter 86. — Of the Lyman School for Boys, the Industrial School for Girls and the Reformation of Juvenile Offenders.**

Act to establish an industrial school for boys. St. 1908, 639; 1909, 489. (See 1906, 505; 1908, 572; 1909, 457, 472, 540.)

Inmates may correspond with board of charity. St. 1906, 341.

Act to provide for the commitment of habitual truants, absentees and school offenders. St. 1906, 389. (See 1907, 158, 195; 1908, 286.)

Acts relative to wayward and delinquent children. St. 1906, 413, 489; 1907, 411; 1908, 637.

Act to establish the Boston juvenile court. St. 1906, 489; 1907, 137, 411. (See 1906, 499; 1908, 286.)

SECT. 1. See St. 1906, 407.

Reform school for Boston. St. 1901, 359.

SECT. 6. See St. 1907, 224; 1909, 514 § 59.

SECTS. 6, 7, 9. See St. 1908, 639 § 6.

SECT. 7. See St. 1908, 195, 469.

SECT. 10 *et seq.* See St. 1905, 464; 1906, 413.

Act relative to arrest of escaped inmates. St. 1907, 362.

SECT. 13. State commission on industrial education established. St. 1906, 505; 1909, 457 § 2.

SECTS. 14, 17-19. See St. 1908, 286; 1909, 472 § 2.

SECT. 15. See St. 1906, 489.

SECT. 18. See St. 1906, 413 §§ 3, 5.

SECT. 20 amended. St. 1902, 314.

SECT. 21 *et seq.* See St. 1906, 413.

SECT. 31 amended. St. 1904, 459 § 6.

SECT. 36 amended. St. 1904, 363 § 2. (See 1905, 464.)

SECT. 49 *et seq.* See St. 1906, 413 §§ 5, 8, 14; 1907, 271.

#### **Chapter 87. — Of the State Board of Insanity and Institutions for the Insane.**

This chapter is repealed and superseded by act to revise and codify the laws relating to insane persons. St. 1909, 504. (See 1902, 542; 1903, 321, 400, 410; 1905, 175, 211, 282, 330, 354, 400, 432, 435, 436, 447, 458, 475; 1906, 184, 309, 316, 352, 418, 471, 472, 508; 1907, 421, 432, 489; 1908, 195, 613, 626, 629; 1909, 274, 535.)

Names changed. St. 1909, 504 § 98. (See 1907, 226.)

#### **Chapter 88. — Of the Massachusetts State Sanatorium.**

Provision for three sanatoriums for tubercular patients. St. 1907, 474; 1908, 532. (See 1908, 533, 598; 1909, 414.)

SECT. 1. Number of trustees increased; two to be women. St. 1905, 159. (See 1907, 271, 474 § 15.)

SECT. 3. See St. 1905, 175 § 3.

SECT. 4. See St. 1907, 222 § 1.

SECT. 6. See St. 1908, 195.

SECT. 7 amended. St. 1909, 378.

#### **Chapter 89. — Of the State Board of Agriculture and the Dairy Bureau.**

Act relative to free scholarships at the Massachusetts agricultural college. St. 1909, 436. (See 1904, 414; 1908, 460.)

Cattle bureau established with powers and duties of board of cattle commissioners. St. 1902, 116 §§ 2, 3.

Act to encourage and improve the breeding of poultry. St. 1909, 428.

Provision for appointment of a state ornithologist. St. 1908, 245.

State nursery inspectorship established and provision for protection of trees, etc., from injurious insects and diseases. St. 1902, 495; 1907, 321; 1909, 444. (See 1902, 57; 1905, 381.) Circulation of information as to idle farms. St. 1909, 212.

Office of State forester established and duties prescribed. St. 1904, 409; 1907, 473; 1908, 209, §§ 3, 4; 1909, 263, 424 § 3, 452. (See 1907, 475.) Provision for reforestation. St. 1908, 478; 1909, 214. (See 1909, 187, 394.)

SECT. 1 amended. St. 1902, 116 § 4.

SECT. 4. See St. 1904, 444 §§ 2, 3; 1909, 212.

SECT. 5 amended. St. 1905, 155; 1907, 401. (See 1908, 195.)

SECT. 8. See St. 1905, 211 § 1; 1907, 289; 1909, 212.

SECT. 10. Provision for instruction in agriculture. St. 1906, 505 § 7; 1909, 457 § 2.

SECT. 11 *et seq.* See St. 1909, 425.

SECT. 12 amended. St. 1908, 416 § 1.

#### **Chapter 90. — Of the Board of Cattle Commissioners and of Contagious Diseases of Domestic Animals.**

Board of cattle commissioners abolished and powers and duties transferred to cattle bureau of state board of agriculture. St. 1902, 116. (See 1903, 249; 1904, 414 § 2.)

SECT. 3. See St. 1905, 211 § 1.

SECTS. 4, 7. See St. 1902, 116 § 3; 1903, 220 § 1; 1908, 329; 1909, 474.

SECT. 11 amended. St. 1908, 515 § 1.

SECT. 12 affected. St. 1908, 378.

SECT. 26. See St. 1905, 266.

SECT. 27 amended. St. 1908, 515 § 2.

SECT. 31. Tuberculin tests to be without charge to citizens. St. 1903, 322.

#### **Chapter 91. — Of Fisheries.**

Provision for protection of property, etc., used by commissioners on fisheries and game. St. 1906, 327.

Powers and duties of inspector general of fish transferred to the commissioners on fisheries and game. St. 1902, 138. Commissioners may investigate questions relating to fish and game. St. 1902, 178. (See 1903, 291; 1905, 317 § 2; 1907, 504; 1908, 402 § 2, 484 § 2.) Duties with respect to fires. St. 1907, 299.

Fishing regulated or restricted in various places: Barnstable; St. 1907, 301. Barnstable county; 1884, 264; 1887, 120; 1892, 196; 1901, 184; 1903, 298. Bass river; 1894, 134. Berkshire; 1888, 276; 1890, 193; 1895, 199; 1902, 137, 544 § 11. (See 1906, 314.) Beverly harbor, 1909, 291. Boston harbor; 1894, 189. Bourne; 1899, 194. Brimfield; 1895, 411. Bristol; 1882, 189; 1891, 198. Buzzard's bay; 1884, 214 § 2; 1886, 192; 1891, 237; 1893, 205, 255. Lake Champlain; 1908, 488 § 1. Charles river; 1894, 189. Cottage City; 1905, 281 § 1. Dart-

mouth; 1906, 477. Dennis; 1895, 203. Dukes; 1884, 245; 1886, 234; 1891, 198. Eastham; 1893, 77; 1904, 269; 1905, 265. Edgartown; 1886, 234; 1891, 52; 1897, 181; 1903, 216; 1904, 301; 1905, 281. (See 1904, 319.) Franklin, Hampden and Hampshire; 1890, 193; 1902, 137. (See 1906, 314.) Haverhill; 1894, 296. Hingham; 1894, 189; 1908, 298. Hull; 1908, 298. Ipswich; 1897, 289. (See 1902, 164.) Lynn harbor, 1909, 194. Marion; 1892, 188; 1893, 255; 1902, 94. Marshfield; 1889, 292; 1890, 336. Mashpee; 1884, 264; 1892, 196; 1903, 298; 1907, 301. Mattapoisett; 1884, 214; 1890, 229; 1892, 186. Merrimac river; 1882, 166; 1883, 31, 121; 1884, 317; 1895, 88; 1897, 110. (See 1902, 164.) Mystic river; 1894, 189. Nahant bay; 1909, 291. Nantucket; 1891, 128; 1904, 232. (See 1909, 403 § 2.) Neponset river; 1894, 189. Norwell and Pembroke; 1889, 292; 1890, 336. Orleans; 1904, 118, 269; 1905, 265. (See 1901, 163.) Plum Island bay; 1887, 105; 1890, 30; 1900, 159. (See 1902, 164.) Plymouth; 1884, 199; 1886, 163; 1889, 292; 1890, 336. Podonk pond; 1900, 234. Quincy, 1908, 298. Quinsigamond lake; 1896, 259; 1901, 158; 1905, 429. Rehoboth and Swansea; see 1904, 132. Randolph; 1889, 78. Rowley; 1897, 289. Salem harbor; 1909, 291. Sandwich; see 1904, 321. Scituate; 1889, 292; 1890, 336. Taunton river; 1909, 404. (See 1855, 401 § 10.) Tisbury; 1902, 188; 1903, 201. Webster; 1896, 110. Weir river; 1894, 189. Wellfleet; 1891, 135; 1904, 269. Westport river; 1907, 298. (See 1887, 193; 1891, 137.) Weymouth river; 1894, 189.

SECT. 3 amended. St. 1905, 407.

SECT. 3 *et seq.* Powers and duties of commissioners and deputies are enlarged. St. 1902, 138, 178; 1904, 367 § 1; 1905, 317; 1906, 179 § 2; 1907, 198, 299, 504; 1908, 255, 402 § 2, 417, 484 § 2, 488 § 2; 1909, 265, 421, 422 § 3, 508 § 2.

SECT. 7 revised. St. 1902, 164.

SECT. 8 amended. St. 1906, 356 § 1. Persons aggrieved by order may appeal to superior court. St. 1906, 356 § 2.

SECT. 9 amended. St. 1904, 365.

SECT. 15 *et seq.* Provision as to sale or lease of certain islands in great ponds. St. 1904, 379.

SECT. 19 amended. Ponds may be restocked and time extended. St. 1903, 274; 1907, 306.

SECT. 26 revised. St. 1904, 308; 1906, 239. (See 1903, 294; 1904, 118.)

SECTS. 35-37. See St. 1908, 298.

SECTS. 36, 42. See St. 1904, 132.

SECT. 52. See St. 1904, 118.

SECT. 54. See St. 1904, 319.

SECTS. 57, 58, 59 repealed and new provisions made. St. 1909, 377. (See 1905, 190; 1906, 263, 314; 1907, 296.)

SECT. 62 amended. St. 1906, 314 § 1.

SECT. 63 amended. St. 1902, 137; 1906, 314 § 2.

SECT. 63 *et seq.* See St. 1903, 205; 1906, 263; 1909, 377.

SECT. 64 amended. St. 1902, 544 § 11. (See 1905, 190.)

SECT. 66. See St. 1907, 296; 1909, 377.

SECT. 67 amended. St. 1904, 329. Killing and transportation of pike perch restricted. St. 1908, 488. (See 1906, 179.)

SECT. 68 repealed and new provisions made. St. 1905, 417. (See 1904, 364.)

SECT. 69 repealed. St. 1904, 223.

SECTS. 81, 82. See St. 1906, 239.

SECT. 81 amended. St. 1904, 116 § 1; 1905, 81.

SECT. 83 superseded. St. 1909, 403. (See 1907, 297; 1908, 270.)

SECT. 83 *et seq.* Act relative to propagation and cultivation of shellfish. St. 1904, 282. (See 1906, 477.) Planting, cultivating and bedding of quahaugs. St. 1909, 469.

SECT. 84 amended. St. 1906, 288.

SECT. 85 limited. St. 1903, 216 § 6; 1904, 269 § 6; 1905, 265 § 1; 1906, 477 § 7.

SECT. 86 *et seq.* Provision for protection of lobsters. St. 1904, 408 § 1; 1907, 303; 1909, 265.

SECT. 88 amended. St. 1907, 303. (See 1908, 330 § 1.)

SECT. 92 repealed. St. 1909, 265 § 4.

SECT. 101. See St. 1906, 477.

SECT. 104 *et seq.* See St. 1909, 469.

SECTS. 113, 114 affected. St. 1907, 285.

SECT. 116. See St. 1904, 118.

SECT. 122 *et seq.* See St. 1906, 239.

SECT. 127 in part repealed. St. 1904, 301 § 2. Amended. St. 1905, 281 § 1. (See 1904, 301 § 1.)

SECT. 128 revised. St. 1907, 298 § 1.

SECT. 129 repealed. St. 1907, 298 § 2.

SECT. 132 amended. St. 1908, 492. (See 1906, 239 § 2.)

SECT. 133 revised. St. 1903, 246.

SECT. 134 extended. St. 1904, 282 § 2.

SECT. 137 superseded. St. 1908, 330. (See 1905, 445; 1907, 300; 1908, 417.)

SECT. 139 repealed. St. 1908, 76.

#### Chapter 92. — Of the Preservation of Certain Birds and Animals.

Act to authorize the governor to proclaim a close season in times of drought. St. 1909, 422.

Act to prevent holding in captivity insectivorous and song birds. St. 1902, 127; 1907, 250 § 2. (See 1903, 287.)

Act to provide for establishment of refuges for birds and game. St. 1909, 362.

Act for the protection of wild fowl. St. 1909, 421.

And of shore, marsh and beach birds. St. 1909, 508.

Sale, etc., of prairie chickens prohibited. St. 1906, 304.

Acts to require and provide for the registration of hunters. St. 1908, 484; 1909, 325.

Unnaturalized foreign-born persons and non-residents prohibited from hunting unless licensed. St. 1905, 317; 1907, 198; 1908, 402; 1909, 262. (See 1908, 255, 484; 1909, 362.)



Shooting, etc., restricted in various places: Dukes; St. 1905, 273; 1907, 264. Edgartown; 1908, 331. Nantucket; 1902, 85; 1905, 122; 1906, 292. (See 1902, 165; 1904, 366; 1905, 406; 1906, 303; 1907, 161.)

SECT. 1 amended. St. 1904, 176.

SECTS. 2, 3 superseded. St. 1908, 441; 1909, 272. (See 1902, 85, 165; 1903, 206; 1904, 366 § 2; 1905, 122, 406; 1906, 303.)

SECT. 4 superseded. St. 1906, 141; 1909, 421. (See 1906, 301.)  
Wood or summer duck. St. 1906, 274. (See 1909, 421 § 2.)

SECT. 5 amended. St. 1903, 162; 1905, 414; 1907, 99; 1909, 508. (See 1903, 244 § 1; 329.)

SECT. 6 revised. St. 1904, 369.

SECT. 7 amended. St. 1903, 287; 1907, 250 § 1. In part repealed. St. 1909, 421. (See 1908, 484.) Loons and eagles protected. St. 1907, 118.

SECT. 8 amended. St. 1903, 329 § 1.

SECT. 9 superseded. St. 1908, 284; 1909, 466. (See 1904, 366 § 1; 1907, 161, 166; 1908, 413.)

SECT. 11 amended. St. 1906, 241; 1909, 328. (See 1905, 273.)

SECT. 12 amended. St. 1906, 278.

SECT. 13. See St. 1906, 292; 1907, 264; 1909, 421.

SECT. 15. See St. 1909, 309.

SECT. 16 superseded. St. 1909, 309 §§ 1-3. (See 1905, 73; 1906, 482; 1908, 477.)

SECT. 17 revised. St. 1909, 396. (See 1903, 245; 1905, 419; 1907, 307; 1908, 377.)

SECT. 18 revised. St. 1905, 245. (See 1902, 154.)

SECT. 20 repealed. St. 1908, 330 § 2. (See 1905, 445; 1907, 300; 1908, 330 § 1.)

SECT. 22 revised. St. 1902, 236.

SECT. 23. Provision for bounties for killing a wild-cat or Canada lynx. St. 1903, 344 § 1. And for damages caused by wild deer. St. 1903, 407. (See 1908, 377; 1909, 396.)

#### Chapter 94. — Of Lost Goods and Stray Beasts.

SECT. 2. See St. 1907, 363; 1908, 133.

SECT. 6. See St. 1906, 185 § 3.

#### Chapter 95. — Of Unclaimed or Abandoned Property.

SECT. 7. See St. 1906, 266; 1908, 599.

SECT. 8. Provision for disposition of such property in possession of metropolitan park officer. St. 1904, 170.

SECT. 13 extended. St. 1907, 363. (See 1906, 185; 1908, 133; 1909, 302.)

#### Chapter 96. — Of the Board of Harbor and Land Commissioners.

Act relative to the improvement and protection of rivers, harbors, etc. St. 1909, 481.

Act relative to breaking up and disposal of old vessels, etc. St. 1908, 595.

Act to provide for supervising transportation and dumping of material in tide waters. St. 1907, 229.

SECT. 2. See St. 1905, 211 § 1; 1908, 195. Res. 1890, 57; 1891, 42; 1909, 26.

SECT. 3. See St. 1904, 379.

SECT. 8. See St. 1902, 224, 425; 1904, 273; 1907, 229 § 1; 1908, 595.

SECT. 9. See St. 1903, 150 § 1; 1909, 481 § 1.

SECT. 14. See St. 1906, 145.

SECT. 17. See St. 1907, 229.

#### **Chapter 97. — Of Wrecks, Shipwrecked Goods and Removal of Wrecks.**

Act relative to breaking up and disposal of old vessels, etc. St. 1908, 595.

SECT. 22. See St. 1908, 595 § 4.

#### **Chapter 98. — Of the Observance of the Lord's Day.**

Act to provide for one day's rest in seven. St. 1907, 577.

SECT. 1 revised. St. 1908, 385 § 1; 1909, 189. (See 1904, 460 § 1.)

SECT. 2 revised. St. 1904, 460 § 2; 1909, 420. (See 1904, 176; 1907, 204, 577; 1908, 126; 1909, 423, 514 § 52.)

SECT. 2 limited. St. 1908, 333, 343, 354.

SECT. 3 amended. St. 1902, 414; 1908, 126, 273, 333, 343, 354, 537. Affected. St. 1909, 423.

SECT. 5 revised. St. 1904, 460 § 3. (See 1905, 341; 1907, 274; 1908, 126, 385.)

SECT. 12 amended. St. 1908, 123.

#### **Chapter 99. — Of Gaming.**

Club charter may be revoked in case of seizure of gaming implements on premises. St. 1902, 254.

Act to prohibit bucketing and to abolish bucket shops. St. 1907, 414.

#### **Chapter 100. — Of Intoxicating Liquors.**

Licensing board for Boston. St. 1906, 291. (See 1907, 214; 1909, 387, 423.)

Act relative to wood alcohol. St. 1905, 220.

Act relative to storage of liquors by persons holding fourth or fifth class licenses. St. 1905, 284.

SECT. 1 amended as to sale of cider and wine. St. 1903, 460.

SECT. 10 *et seq.* See St. 1909, 423. Provisions for Boston. St. 1902, 485; 1906, 291 § 4, 395; 1909, 221, 331.

SECT. 13 amended. St. 1909, 371 § 8.

SECT. 15 amended. St. 1906, 287 § 1.

SECT. 17, cl. 2 revised, subject to acceptance by voters of Boston. St. 1906, 395. (See 1906, 386 § 1.)

SECTS. 17, 18. Fourth and fifth classes. Storage. St. 1905, 284.

- SECT. 20 revised. St. 1902, 171. Amended. St. 1905, 206.  
 SECT. 21 amended. St. 1907, 190.  
 SECTS. 21-24. See St. 1902, 327; 1908, 525 § 3.  
 SECT. 23 amended. St. 1907, 308; 1909, 261 § 1. Board may suspend certificate. St. 1909, 261 § 5.  
 SECT. 26. See St. 1907, 190.  
 SECT. 27. See St. 1906, 281; 1909, 261 § 2.  
 SECT. 33 repealed. St. 1903, 461 § 1.  
 SECT. 34 revised. St. 1906, 374 § 1.  
 SECT. 35 amended. St. 1906, 104 § 1.  
 SECT. 47 amended. Suspension of license authorized. St. 1908, 108.  
 SECTS. 48-50. Provision for registration and permits for carriers of intoxicating liquors in certain cases. St. 1906, 421; 1907, 517 § 2.  
 SECT. 49 amended. St. 1907, 517 § 1.  
 SECT. 62. Gift or sale to a patient in dipsomaniac hospital is punishable. St. 1903, 410.  
 SECT. 63 amended. St. 1909, 408.  
 SECT. 67. Office of inspector and assayer abolished and powers and duties transferred to state board of health. St. 1902, 110. (See 1908, 469.)  
 SECT. 76 amended. St. 1909, 154 § 1.  
 SECT. 85 amended. St. 1909, 154 § 2.  
 SECT. 86 amended. St. 1904, 122.  
 SECT. 88. See St. 1902, 485 § 4. Club charter may be revoked in certain cases. St. 1902, 524.  
 SECT. 89. See St. 1902, 524; 1906, 291 § 4.

#### Chapter 101. — Of Common Nuisances.

- Spitting in certain public places and conveyances prohibited. St. 1906, 165; 1907, 410.  
 Obstruction of means of egress from buildings declared a common nuisance. St. 1905, 347 § 1.  
 Certain nuisances in Boston. St. 1893, 342; 1897, 185; 1904, 336; 1905, 418, 426; 1908, 187 § 2.  
 As to gypsy and brown-tail moths, see St. 1902, 57; 1905, 381; 1906, 268; 1907, 521; 1908, 591; 1909, 263.  
 SECT. 6. Act to prohibit bucketing and to abolish bucket shops. St. 1907, 414.  
 SECT. 8. See St. 1906, 291 § 10.

#### Chapter 102. — Of Licenses and Municipal Regulations of Police.

- Provision for registration and licensing of embalmers. St. 1905, 473.  
 And of public accountants. St. 1909, 399.  
 Licensing of theatres and public halls. St. 1904, 450; 1905, 341, 342; 1908, 335. (See 1908, 381; 1909, 514 §§ 76, 77.) Lunch wagons in public ways. St. 1908, 360. For cinematographs or similar apparatus. St. 1908, 566; 1909, 281. (See 1905, 176; 1908, 565.)  
 Licenses for the business of plumbing. St. 1909, 536.

Provision for license to carry loaded pistol. St. 1906, 172 § 1.

For breaking up and disposal of old vessels, etc. St. 1908, 595.

In certain cities public lodging houses must be licensed. St. 1904, 242. (See 1894, 414.)

Licenses to certain persons to hunt. St. 1905, 317; 1907, 198; 1908, 402; 1909, 262, 362. (See 1909, 422.) Hunters must be registered. St. 1908, 484; 1909, 325. Licenses to work on Sunday. St. 1909, 420.

Licenses in Boston: To gas fitters. St. 1897, 265. Junk dealers. St. 1900, 416; 1906, 291 § 10. (See 1902, 187 § 4.) Minors to black boots, etc. St. 1902, 531. (See 1904, 450 § 2.) Pawnbrokers; private detectives; money lenders; dogs. St. 1906, 291 § 10. Picnic groves; skating rinks; intelligence offices; billiard, pool or sippio tables; bowling alleys. St. 1906, 291 § 4; 1907, 214. Theatres and public halls. St. 1907, 463; 1908, 335. Shows and amusements. St. 1908, 494. Street stands. St. 1907, 584; 1909, 329. Lunch wagons in street. St. 1908, 360. (See 1906, 384; 1907, 500 §§ 2, 3; 1909, 221, 311.)

Provisions for licensing operators of automobiles and motor cycles. St. 1909, 534. (See 1902, 315; 1903, 473; 1905, 311, 366; 1906, 353, 412; 1907, 203, 408, 580; 1908, 263, 642, 648.) And dealers in coal and coke. St. 1903, 484; 1906, 434.

SECT. 2. See St. 1906, 291 § 4.

SECT. 23 *et seq.* See St. 1906, 435.

SECTS. 29, 30, 32 amended. "Junk collectors" added. St. 1902, 187 §§ 1, 2, 3. (See 1906, 291 § 4.)

SECT. 33. See St. 1906, 291 § 10.

SECT. 40 amended. St. 1905, 415.

SECT. 42 amended. St. 1907, 211. (See 1907, 500 §§ 2, 3.)

SECT. 47 *et seq.* See St. 1905, 308; 1906, 390.

SECT. 48. See St. 1906, 291 § 10.

SECT. 57 *et seq.* Acts regulating small loans. St. 1905, 308; 1906, 390; 1908, 605; 1909, 317; 514 §§ 121-126. (See 1909, 278.)

SECT. 78 amended. St. 1907, 373 § 1.

SECT. 78 *et seq.* See St. 1905, 310 § 4, 472; 1906, 387; 1907, 373, 465; 1908, 563.

SECT. 81 amended. St. 1905, 310 § 1.

SECT. 82 revised. St. 1907, 373 § 2. (See 1905, 310 § 2; 1906, 414, 521, 522.)

SECT. 84 revised. St. 1907, 373 § 3.

SECT. 85 amended. St. 1907, 373 § 4.

SECT. 86 amended. St. 1905, 310 § 3.

SECT. 89 *et seq.* Provisions for regulations as to explosives and inflammable fluids. St. 1905, 280; 1908, 502. (See 1904, 370.) Act relative to sale of paint, turpentine and linseed oil. St. 1908, 531.

SECT. 92 amended. St. 1909, 199.

SECT. 114. See St. 1904, 370; 1905, 280.

SECT. 122 amended. St. 1908, 187.

SECT. 122 *et seq.* As to smoke nuisance in Boston, see St. 1905, 418; 1908, 187 § 2.

SECTS. 128, 129 amended. St. 1909, 440 § 4.

SECT. 130 amended. St. 1908, 169.

- SECT. 133 in part repealed. St. 1904, 353 § 3; 1906, 291.  
 SECT. 138 revised. St. 1904, 105 § 1.  
 SECT. 141 repealed. St. 1904, 105 § 2.  
 SECT. 142 amended. St. 1909, 440 § 2. (See 1906, 291 § 10.)  
 SECT. 143 amended. St. 1907, 240 § 1; 1908, 182.  
 SECT. 144 amended. St. 1907, 240 § 2.  
 SECT. 150 *et seq.* Provision for better protection of domestic animals from dogs. St. 1902, 226; 1904, 127.  
 SECT. 151 amended as to appointment of appraisers. St. 1903, 100; 1904, 283.  
 SECT. 152. Increase in amount of reward authorized. St. 1905, 106.  
 SECT. 155 amended. St. 1904, 142; 1907, 241.  
 SECT. 168. See St. 1906, 291 §§ 8, 10.  
 SECT. 170 amended. St. 1908, 368.  
 SECT. 172 superseded. St. 1908, 385 § 2. (See 1904, 450 § 2, 460; 1905, 341, 342; 1906, 105; 1907, 274; 1909, 189, 514 § 77.)  
 SECT. 172 *et seq.* See St. 1904, 183; 1906, 384; 1908, 368, 381.  
 SECT. 173 amended. St. 1904, 460 § 5; 1907, 309; 1909, 254. (See 1904, 450 § 15; 1905, 341, 342; 1906, 105; 1908, 335.)  
 SECT. 176 amended. St. 1906, 190, 291 § 4. (See 1906, 384.)  
 SECT. 178. See St. 1906, 291 § 4.  
 SECT. 184 amended. St. 1906, 107; 1907, 355. (See 1906, 384.)  
 SECT. 186 amended. "Junk collectors" added. St. 1902, 187 § 4. (See 1906, 190, 291 § 4.)

### Chapter 103. — Of the Supervision of Plumbing.

This chapter in part superseded by an act relative to the supervision of the business of plumbing. St. 1909, 536.

### Chapter 104. — Of the Inspection of Buildings.

Licensing and inspection of theatres and public halls regulated. St. 1904, 450; 1906, 105; 1908, 389. (See 1904, 460 §§ 4, 5; 1905, 341, 342; 1908, 335.) Acts to regulate use of cinematographs or similar apparatus. St. 1905, 176, 437; 1908, 565, 566; 1909, 281. Provision for licenses for and inspection of plumbing work. St. 1909, 536.

Act to prohibit obstruction of means of egress from buildings. St. 1905, 347. Sanitary requirements for certain buildings. St. 1902, 322; 1905, 475; 1906, 250. Storage of explosives and inflammable fluids. St. 1904, 370; 1905, 280; 1908, 502. Provision for safe keeping of matches in stores. St. 1909, 184.

Building laws for Boston. St. 1907, 550; 1908, 336; 1909, 313. (See 1892, 419; 1893, 170, 293, 297, 464; 1894, 257, 443; 1895, 97, 239, 280, 314; 1896, 416, 520; 1897, 175, 219, 265, 300, 310, 413; 1898, 209, 228, 268, 308, 452; 1899, 161, 185, 222; 1900, 271, 321, 335 § 2; 1901, 474; 1902, 400; 1903, 301 § 1; 1904, 227, 333, 336, 368, 450 §§ 2, 10; 1905, 342, 383, 426; 1906, 340; 1907, 416, 463; 1908, 339, 347.)

SECT. 4 amended. St. 1908, 221.



SECTS. 12-15. See St. 1904, 450 §§ 4-10; 1905, 472.

SECTS. 15-18. See St. 1906, 105, 499 § 2.

SECTS. 19, 20 repealed and superseded. St. 1908, 487. (See 1907, 499.)

SECT. 22 *et seq.* An act to regulate public lodging houses in certain cities. St. 1904, 242. (See 1907, 490; 1908, 335; 1909, 504 § 26.)

SECT. 25 amended. St. 1907, 503 § 1. (See 1905, 347 § 1.)

SECTS. 27, 28. An act relative to the operation and custody of elevators. St. 1902, 350.

SECT. 29. See St. 1905, 347 § 2.

SECTS. 36, 37 limited. St. 1906, 105 § 1. (See 1905, 347 § 2.)

SECTS. 38-47 repeal and substitute. St. 1909, 514 §§ 91-100, 145. (See 1904, 430; 1906, 522; 1907, 451, 503; 1908, 375; 1909, 413, 514 § 64.)

SECT. 41 amended. St. 1907, 503 § 2. Inspection to be by inspectors of health. St. 1907, 537 § 5. (See 1904, 430; 1906, 522; 1907, 451; 1908, 375, 389; 1909, 354.)

SECTS. 41, 42. See St. 1903, 475; 1904, 347; 1906, 250; 1907, 164.

SECT. 54. See St. 1905, 347.

#### Chapter 105. — Of the Inspection of Steam Boilers.

The law as to the inspection of steam boilers is revised. St. 1907, 465; 1908, 563; 1909, 393, 410. (See 1905, 472; 1906, 387, 521, 522; 1907, 373, 451; 1909, 131, 348.)

Board of boiler rules established. St. 1907, 465 § 24.

Inspectors must be examined and certified competent. St. 1907, 465 §§ 5, 6.

SECT. 1. Inspection to be under supervision of a chief inspector of boilers. St. 1907, 465 § 4. (See 1905, 521.)

SECTS. 2, 3. See St. 1907, 465 §§ 2, 3, 13.

SECT. 4 superseded. St. 1907, 465 §§ 14, 15.

SECT. 5. See St. 1907, 465 §§ 3, 15, 17, 19.

SECT. 6. See St. 1907, 465 § 28.

SECT. 9. See St. 1907, 465 § 20; 1908, 563 § 1.

SECTS. 10, 11. See St. 1907, 465 §§ 20, 28.

#### Chapter 106. — Of the Employment of Labor.

This chapter is repealed and revised by act to codify the laws relating to labor. St. 1909, 514. (See 1902, 183, 322, 350, 384, 430, 435, 446, 450; 1903, 275, 320, 475; 1904, 311, 313, 315, 320, 334, 335, 343, 347, 349, 397, 432; 1905, 213, 231, 238, 267, 304, 308; 1906, 250, 284, 370, 390, 427, 435, 463 II § 167, 499, 517; 1907, 135, 164, 193, 224, 267, 269, 503 § 2, 537, 560 §§ 447, 448; 570, 577; 1908, 217, 228, 306, 325, 380, 420, 457, 485, 489, 547, 553, 605, 645, 650; 1909, 201, 211, 332, 363, 371.)

As to assignments of wages, see 1905, 308; 1906, 390; 1908, 605 §§ 7, 8; 1909, 317, 514 §§ 121-126.

**Chapter 107. — Of the Bureau of Statistics of Labor and the Board of Supervisors of Statistics.**

This chapter is repealed and superseded by St. 1909, 371. (See 1902, 438 § 7; 1906, 296, 385 § 2; 1907, 79, 135; 1908, 80, 462, 481, 485 § 7, 517; 1909, 514. Res. 1909, 41.)

Provision for free employment bureaus in certain cities. St. 1906, 435; 1907, 135; 1908, 306, 462 § 5, 485; 1909, 514 §§ 1-9. (See 1909, 371.)

**Chapter 108. — Of District and Other Police Officers.**

The fire marshal's department is abolished and duties and powers transferred to detective department of district police. St. 1904, 433; 1905, 280; 1908, 502, 568. Salaries of fire inspectors. St. 1905, 247 § 1, 461 § 1. (See 1902, 142; 1903, 365; 1904, 370.)

Tenure of office of police officers. St. 1906, 210.

Act to authorize appeals to State board of health from certain requirements of the district police. St. 1907, 499.

Police commissioner for Boston. St. 1906, 291; 1907, 214; 1909, 221. And deputy. St. 1909, 311. (See 1885, 323; 1889, 419; 1894, 266; 1897, 320; 1900, 306; 1903, 312, 428 § 3; 1904, 353, 402; 1905, 223; 1907, 513, 584; 1909, 329.)

SECT. 1. Additional members. St. 1903, 333, 365 §§ 2, 4; 1904, 318, 430; 1906, 522 § 1; 1907, 451, 465 § 25, 482; 1908, 185, 470; 1909, 413, 432. (See 1904, 347 §§ 2-7; 1906, 105 §§ 1-3, 262; 1908, 385 § 1, 389; 1909, 354, 413.) Age limit. St. 1904, 430; 1906, 522; 1908, 375. Clerks' salaries. St. 1906, 522 § 1; 1909, 410.

SECT. 2. Chief of boiler inspection department. St. 1906, 521. (See 1906, 387; 1907, 465 §§ 4, 25; 1908, 470, 563 § 2; 1909, 131, 393.)

SECT. 3 *et seq.* Stenographers. St. 1907, 465 § 25, 482; 1908, 479. Chief may authorize carrying of badges and weapons. St. 1908, 143.

SECT. 4. See St. 1908, 195, 469.

SECT. 5. Salaries fixed. St. 1904, 382; 1905, 247 § 1, 365, 461 § 1; 1906, 480 § 1, 521 § 1, 522 § 1; 1907, 482 § 1; 1909, 410.

SECTS. 7, 8. See St. 1903, 475 §§ 3, 5; 1905, 176, 304 § 4, 472; 1906, 262; 1908, 375, 385 § 1, 389, 566, 568; 1909, 189, 354, 504 §§ 42, 44; 514 § 105.

SECT. 8 amended. St. 1907, 413. Duties transferred to health inspectors. St. 1907, 537 § 5.

SECT. 10 amended. St. 1902, 544 § 12.

SECTS. 11, 12 superseded. St. 1909, 514 §§ 34, 35, 145. (See St. 1903, 333; 1908, 470; 1909, 302.)

SECTS. 13-18 in part repealed. St. 1906, 463 I §§ 49-53, 68.

SECT. 17 extended. St. 1904, 59.

SECT. 20 in part repealed. St. 1906, 463 I §§ 55, 68.

SECTS. 21-25 superseded. St. 1906, 463 I §§ 49-55, 68.

SECT. 29 amended. St. 1903, 428 § 1; 1909, 188.

SECTS. 29-31. See St. 1909, 453.

SECT. 30 revised. St. 1903, 428 § 2.

SECTS. 32, 33, 36. See St. 1906, 291 § 10.

**Chapter 109. — Of Certain Powers, Duties and Liabilities of Corporations.**

New provisions made for business corporations. St. 1903, 437; 1904, 207, 261; 1905, 156, 222, 242; 1906, 271 §§ 12, 13, 286, 346, 372; 1907, 282, 332, 395, 396, 578; 1908, 180, 300; 1909, 326. This chapter is repealed so far as it applies to corporations subject to St. 1903, 437. St. 1903, 437 § 95. (See 1902, 370, 441, 463; 1903, 423; 1904, 442; 1905, 242; 1906, 269, 392, 437; 1907, 414 § 2; 1908, 454 § 1; 1909, 136, 440 § 2, 490 I, II, III.)

Acts relative to recording name and change of name. St. 1907, 539; 1908, 163, 316.

Acts relative to taking deposits for tickets from foreign countries or other purposes. St. 1905, 428; 1906, 408; 1907, 377 § 1; 1908, 493; 1909, 287, 450. (See 1908, 599.)

SECTS. 9-11, 15, 17, 20, 21, 24, 25, 27, 28, 30-35, 40, 52-57 repealed, so far as they apply to railroads or railroad corporations, etc. St. 1906, 463 II §§ 34, 38, 42, 44, 65-70, 258, III §§ 105-112, 138-143. (See 1908, 636; 1909, 369.)

SECTS. 13, 14. See St. 1906, 463 II § 29.

SECT. 18. See St. 1906, 463 III § 4.

SECTS. 24-27. See St. 1902, 441; 1903, 437 § 40; 1906, 392, 437; 1908, 529 § 4, 534; 1909, 477.

SECT. 54 amended. St. 1905, 156. (See 1903, 437 § 53.)

SECT. 99. See St. 1906, 463 II § 47.

**Chapter 110. — Of Manufacturing and Other Corporations.**

New provisions made for business corporations. St. 1903, 437; 1904, 207, 261; 1905, 222; 1906, 271 §§ 12, 13, 286, 346, 372; 1907, 282, 332, 395, 396, 578; 1908, 180, 300; 1909, 326. This chapter is repealed so far as it applies to corporations subject to St. 1903, 437. St. 1903, 437 § 95. (See 1902, 441; 1904, 442; 1905, 156; 1908, 454 § 1, 468; 1909, 103, 440 § 2, 441, 490 I and II.)

Acts relative to recording name and change of name. St. 1907, 539; 1908, 163, 316.

SECT. 10. See St. 1909, 441.

SECTS. 17, 19, 22-25, 27, 28 in part repealed. St. 1906, 463 II §§ 29-32, 37, 40, 43, 258.

SECT. 24. See St. 1907, 576 § 61; 1909, 256.

SECT. 32 amended. St. 1908, 534 § 1. (See 1906, 437; 1909, 316, 477.)

SECT. 50. See St. 1905, 330.

SECTS. 76-78. See St. 1909, 103.

SECT. 86 amended. St. 1908, 382 § 1. (See 1908, 219.)

**Chapter 111. — Of Railroad Corporations and Railroads.**

This chapter, except section 158, is repealed by St. 1906, 463 II § 258; and revised by St. 1906, 463 I, II; 1907, 245, 287, 315, 392, 585; 1908, 390, 504, 542, 553, 620, 636, 649; 1909, 47 § 1, 233, 343, 348, 358, 369,

394, 417, 429. (See 1902, 298, 402, 432, 440, 507, 533, 544 § 13; 1903, 126, 173, 297, 423, 478; 1904, 59, 96, 169, 265, 357, 429; 1905, 134, 208, 210, 408, 456; 1906, 266, 267, 283, 417, 463 II § 258, 516; 1907, 428, 431; 1908, 220, 372, 495, 552, 599; 1909, 118, 136, 363, 394, 485, 490 I §§ 9, 43, III, 502, 514 §§ 24, 25, 46, 127, 145; 527.)

Acts for better protection from fire of woodlands adjoining railroads. St. 1907, 431; 1909, 394. Act relative to use of torpedoes, etc. St. 1908, 495.

Acts to regulate formation of electric railroad companies. St. 1906, 516; 1907, 428, 448. (See 1909, 118.)

As to mileage and commutation tickets. See St. 1908, 649.

Acts relative to taking of deposits for transmission to foreign countries, or other purposes. St. 1905, 428; 1907, 377; 1908, 493; 1909, 287, 450. (See 1908, 599.)

SECT. 158. Not repealed by St. 1906, 463. (See 1909, 358.)

Act to restrain the consolidation of railroad corporations. St. 1907, 585.

SECT. 270. See St. 1909, 394.

#### Chapter 112. — Of Street Railway Corporations.

This chapter is repealed by St. 1906, 463 III § 158; and revised by St. 1906, 463 III, 479; 1907, 318, 392, 402; 1908, 530, 620, 636; 1909, 47 § 1, 369, 417, 485. (See 1902, 288, 370, 395, 396, 399, 440, 449, 483; 1903, 134, 143, 202, 320, 328, 423, 476; 1904, 110, 210, 267, 373, 396, 441; 1905, 80, 134, 376; 1906, 266, 267, 283, 339, 463 I § 68, 516; 1907, 428; 1908, 220, 390, 599; 1909, 136, 490 III §§ 40-51, 502, 514 § 46.) Provision for temporary locations. St. 1908, 266. Issue of stock or bonds for working capital. St. 1909, 485. Transportation of milk and cream. St. 1908, 278. And military supplies and equipment. St. 1909, 118.

Acts relative to electric railroad companies. St. 1906, 516; 1907, 428, 448; 1908, 301, 450. (See 1907, 556; 1908, 220, 301, 552.)

As to elevated railways and subways in and near Boston, see St. 1887, 413 § 4; 1890, 368, 454 § 12; 1894, 548, 550; 1895, 440; 1896, 492; 1897, 500; 1900, 258; 1902, 114, 534; 1904, 167, 534; 1906, 213, 520; 1907, 258, 573; 1908, 521, 551; 1909, 383, 455.

#### Chapter 113. — Of Savings Banks and Institutions for Savings.

This chapter is repealed and revised by St. 1908, 590; 1909, 491. (See 1902, 169, 355, 463, 483, 490; 1904, 200, 208, 210, 374 § 5, 427; 1905, 211, 250; 1906, 66, 204, 347, 377, 463 III §§ 147-150, 479; 1907, 340, 377, 533, 561, 576; 1908, 222, 414, 493, 520, 523; 1909, 419, 490 III §§ 21-23.)

Acts relative to savings deposits in trust companies. St. 1908, 520; 1909, 342.

Savings banks may establish life insurance departments. St. 1907, 561; 1908, 22. (See 1907, 576.)

SECT. 3. See St. 1909, 491 § 3.

SECT. 11. See St. 1907, 576 § 61; 1909, 256, 491 § 4.

SECTS. 14, 31 in force until January 1, 1910. St. 1908, 590 § 69.

SECT. 25. See St. 1909, 491 § 7.

SECT. 26. Cl. 7 in force until November 1, 1908. (See 1908, 590 § 68; 1909, 491 § 8.)

#### Chapter 114. — Of Co-operative Banks.

Acts to provide for appointment of a bank commissioner and deputy. St. 1908, 590 §§ 2-15. (See 1906, 204, 347, 377; 1907, 561; 1908, 414, 520 §§ 10, 11, 13, 15.)

Act to authorize the incorporation of credit unions. St. 1909, 419.

Act relative to unauthorized banking. St. 1906, 377; 1908, 590 § 16; 1909, 491 § 4.

Consolidation of two or more banks authorized and regulated. St. 1904, 392. (See 1906, 204.)

SECT. 1. See St. 1909, 419 § 25.

SECT. 2. See St. 1906, 204, § 4; 1908, 590 § 4; 1909, 490 III § 25, 491 § 2.

SECT. 3. See St. 1909, 419 § 3.

SECT. 4 amended. St. 1903, 147 § 1

SECT. 7. See St. 1907, 576 § 61; 1909, 256.

SECTS. 9, 10 amended. St. 1903, 95 §§ 1, 2.

SECT. 10. See St. 1907, 576 § 61.

SECT. 14. Loans limited. St. 1904, 292 § 1. Act relative to mortgages to co-operative banks. St. 1907, 351.

SECT. 17 revised. St. 1906, 280 § 1.

SECT. 24 revised. St. 1903, 203 § 1.

SECTS. 26-30. See St. 1906, 204 § 3.

SECT. 31 (new section) added, relative to increase in limit of capital. St. 1903, 147 § 2.

#### Chapter 115. — Of Banks and Banking.

Acts to provide for the appointment and relative to the duties of a bank commissioner and deputy. St. 1908, 414, 520 §§ 10, 11, 13, 15, 590 §§ 2-15; 1909, 399. (See 1906, 204, 377; 1907, 319 §§ 2-4, 377, 561.)

Provision for registration of public accountants. St. 1909, 399.

Act relative to unauthorized banking. St. 1906, 377; 1908, 590 § 16, 69; 1909, 491 § 4. Foreign banking associations or corporations. St. 1906, 66 § 1, 204 § 3, 347. (See 1902, 463.) Act relative to foreign banking corporations doing business as savings banks. St. 1907, 533; 1909, 491 § 4. (See 1908, 520.)

Acts regulating business of receiving funds for tickets from or to foreign countries or supply of laborers. St. 1905, 428; 1906, 408; 1907, 377; 1908, 493; 1909, 287 § 1. (See 1908, 599.)

SECT. 3. See St. 1906, 204 § 3.

SECT. 17 *et seq.* See St. 1902, 169 §§ 3, 4; 1908, 590 §§ 19, 20.

SECT. 56 *et seq.* See St. 1904, 263.

SECT. 67. See St. 1906, 204 § 3.

SECTS. 90-94. See St. 1907, 576 § 30.

SECTS. 112-115. See St. 1906, 204 § 3.



**Chapter 116. — Of Trust Companies.**

Acts regulating the incorporation and business of trust companies. St. 1904, 374; 1905, 331; 1908, 520; 1909, 342, 491. (See 1904, 200; 1909, 490 III § 37.)

Acts relative to examinations of trust companies. St. 1907, 319; 1908, 520 § 14.

Act relative to voluntary associations under written instruments. St. 1909, 441.

Officers and offices not to be same as or connected with those of a savings bank. St. 1902, 169 §§ 3, 4; 1908, 590 §§ 18, 19. As to maintenance of branch offices, see St. 1902, 355 § 2; 1908, 520 § 15. Savings deposits. St. 1908, 520; 1909, 342.

SECTS. 2-6. See St. 1904, 374 §§ 1-5; 1906, 204 § 3; 1908, 590 § 4.

SECT. 3 amended. St. 1909, 491 § 1.

SECT. 5 amended. St. 1907, 487. Act relative to increase of capital. St. 1905, 189.

SECT. 7 *et seq.* An examining committee required. St. 1908, 520 § 14. (See 1907, 319 § 1.)

SECT. 12. See St. 1908, 520; 1909, 342.

SECT. 16 amended. St. 1907, 417. (See 1907, 340 § 2; 1908, 590 § 57.)

SECT. 18 amended. Trust company may be appointed conservator. St. 1908, 116, 505.

SECT. 20. See St. 1906, 204 § 4; 1908, 590 § 4; 1909, 491 §§ 2, 8.

SECT. 28. See St. 1904, 374 §§ 6, 7; 1905, 331 § 1.

SECT. 30 amended. St. 1905, 228.

SECT. 36 amended. St. 1907, 320; 1908, 520 § 13. (See 1909, 342 § 2.)

SECT. 37. See St. 1906, 204 § 3.

**Chapter 117. — Of Mortgage Loan and Investment Companies.**

Act to regulate bond and investment companies. St. 1904, 427. (See 1906, 204.)

SECTS. 14, 15. See St. 1906, 204 §§ 3, 4; 1908, 590 §§ 2, 3.

**Chapter 118. — Of Insurance.**

This chapter is repealed and superseded by St. 1907, 576; 1908, 81, 151, 162, 163, 165, 166, 170, 248, 436, 471, 473, 482, 509, 511, 646; 1909, 92, 95, 192, 242, 345, 390, 415, 467, 488. (See 1902, 106, 340; 1903, 174, 223, 307, 421; 1904, 240, 247, 300, 304, 427; 1905, 191, 287, 315, 401; 1906, 271 § 7, 396; 1907, 539, 561; 1908, 195, 222, 463, 469, 563 § 2; 1909, 267, 490 II §§ 26-36, III § 53.)

Act to permit savings banks to establish life insurance departments. St. 1907, 561; 1908, 222.

Act relative to voluntary exchanges of life policies. St. 1908, 436.

Act relative to change of name of certain corporations. St. 1908, 163.

General insurance guaranty fund established, and a State actuary and medical director provided for. St. 1907, 561 §§ 14, 15, 16. (See 1907, 576 § 5.)

Act relative to preferred claims against insolvent domestic fire insurance companies. St. 1908, 151.

#### **Chapter 119. — Of Fraternal Beneficiary Corporations.**

Act to authorize the incorporation of credit unions. St. 1909, 419.

SECTS. 1, 2. See St. 1903, 332 § 1.

SECT. 6. Domestic corporation may adopt provisions of R. L., ch. 120. St. 1904, 155; 1909, 294. (See 1904, 427 § 7; 1907, 576 § 35; 1909, 514 § 30.)

SECT. 11 amended. St. 1908, 463.

SECT. 12 amended. St. 1903, 332 § 1; 1909, 407. License under St. 1908, 605 not required. St. 1909, 278.

Provision for partial payment on death of wife. St. 1904, 271.

SECT. 13 amended. St. 1907, 471. Restriction as to name. St. 1905, 315. Act relative to change of name. St. 1908, 163.

SECT. 14. See St. 1903, 166.

SECT. 16 amended. St. 1907, 472.

SECT. 17. See St. 1903, 332 § 1.

#### **Chapter 120. — Of Assessment Insurance.**

SECT. 1. Domestic corporation organized under R. L., ch. 119, may also carry on business under this chapter. St. 1904, 155. (See 1904, 427 § 7; 1907, 576 § 35; 1909, 514 § 30.)

Act relative to change of name of certain corporations. St. 1908, 163.

SECT. 6. See St. 1904, 155 § 3, 427 § 7.

SECT. 13 amended. St. 1903, 227.

#### **Chapter 121. — Of Gas and Electric Light Companies.**

Act relative to electric power companies. St. 1908, 617.

Act to authorize the purchase, sale and consolidation of gas and electric light companies. St. 1908, 529; 1909, 316. (See 1906, 392.)

SECT. 1 amended. St. 1907, 316. (See 1908, 655.)

SECTS. 1-4. Powers and duties of inspector of gas meters transferred to board of gas and electric light commissioners. St. 1902, 228; 1909, 316, 318. (See 1903, 464; 1905, 211 § 1; 1906, 422; 1909, 490 III § 9.)  
Inspectors' salaries. St. 1902, 288 § 6; 1907, 54 § 2; 1908, 536 § 2.

SECT. 3 superseded. St. 1908, 536 § 2. (See 1907, 54 § 1.)

SECT. 4 superseded. St. 1904, 435.

SECT. 7. See St. 1905, 211 § 1.

SECT. 9. See St. 1906, 422 § 4.

SECT. 10. Acts relative to increase of stock. St. 1908, 534; 1909, 477. (See 1906, 392, 437.)

SECT. 14. See St. 1908, 529; 1909, 316 § 1.

SECT. 21. See St. 1903, 320.

SECT. 22. See St. 1906, 392; 1908, 529 § 5; 1909, 316, § 1.

SECT. 26. See St. 1908, 617.

SECT. 31 amended. St. 1903, 406 § 1.

SECT. 33 amended. St. 1903, 164.

SECT. 34. See St. 1903, 464.

SECTS. 34, 35 limited. St. 1906, 422 § 10.

SECT. 40 amended. St. 1908, 243.

#### Chapter 122. — Of Companies for the Transmission of Electricity.

Acts relative to the filing and receiving time of telegrams. St. 1909, 402, 542.

Act relative to electric power companies. St. 1908, 617.

The Massachusetts highway commission to have general supervision of all companies engaged in the transmission of intelligence by electricity. St. 1906, 433. (See 1909, 402, 490 III §§ 40-44, 52, 62.)

As to electric railroad companies, see St. 1906, 516; 1907, 428, 448, 556; 1908, 220, 301, 552; 1909, 490 III §§ 40-51.

SECT. 1. See St. 1903, 320.

SECT. 2 revised. St. 1903, 237; 1906, 117 § 1.

SECT. 9. See St. 1906, 433.

SECT. 10 affected. St. 1909, 402, 542.

SECT. 12. See St. 1906, 433.

SECT. 24. See St. 1906, 433 §§ 8, 9.

SECT. 27 amended. St. 1908, 233.

#### Chapter 123. — Of Proprietors of Wharves, Real Estate Lying in Common, General Fields, and Aqueduct Corporations.

SECT. 42 repealed so far as relates to transfer of stock. St. 1903, 423 § 2.

#### Chapter 124. — Of Agricultural and Horticultural Societies.

SECT. 1 amended. St. 1909, 133. Affected. St. 1909, 428.

SECT. 2 *et seq.* Act to encourage and improve the breeding of poultry. St. 1909, 428.

SECT. 6 amended. St. 1907, 189.

#### Chapter 125. — Of Corporations for Charitable and Other Purposes.

Act relative to change of name. St. 1908, 163.

SECT. 2. Charter may be revoked in certain cases. St. 1902, 524; 1907, 336, 337 § 3. (See 1909, 428.)

SECT. 4. Act to regulate changes in location of certain corporations. St. 1907, 337. (See 1906, 291 § 10.)

SECT. 5. See St. 1905, 464.

SECT. 13. See St. 1902, 430; 1903, 275.

SECT. 17, 18 in part repealed. St. 1906, 463 I §§ 46, 47, 68. (See 1909, 514 § 135.)

SECT. 19 repealed. St. 1906, 463 I §§ 48, 68. (See 1909, 514 § 135.)

SECT. 20. Trustees shall make annual reports. St. 1904, 248. (See 1905, 211; 1906, 275.)

SECT. 22. See St. 1905, 216; 1906, 275.

#### Chapter 126. — Of Foreign Corporations.

This chapter, except section 8, is repealed so far as it applies to corporations subject to St. 1903, 437. St. 1903, 437 §§ 56-70, 95; 1905, 233, 242; 1906, 346 § 2, 347. (See 1902, 349, 463; 1904, 207, 261, 442; 1905, 156, 222; 1906, 271, 372.)

Foreign banking associations or corporations. St. 1906, 66, 204 § 3, 347. (See 1902, 463.)

SECT. 4. See St. 1905, 242; 1906, 269.

SECT. 6. See St. 1903, 437 § 66; 1905, 233.

SECT. 9. See St. 1906, 269.

#### Chapter 127. — Of the Alienation of Land.

SECTS. 1-6. Signature of married woman under twenty-one to conveyance of husband's land has same validity as if she were over that age. St. 1902, 478.

SECT. 5. See St. 1907, 225.

SECT. 8 amended. "Special commissioners" added. St. 1902, 289.

SECTS. 12-16. See St. 1907, 294.

SECT. 34 revised. St. 1908, 149. (See 1907, 294; 1909, 160, 198.)

#### Chapter 128. — Of the Registration and Confirmation of Titles to Land.

Name of court changed to "Land Court," jurisdiction enlarged and proceedings regulated. St. 1904, 448; 1905, 249, 288; 1906, 50, 344. (See 1905, 195, 286, 291, 296.) Court may determine questions relating to written instruments purporting to authorize transfer of real estate. St. 1906, 344.

SECT. 1 amended. St. 1904, 448 § 10; 1905, 249 § 1.

SECT. 7. See St. 1907, 225 § 3.

SECT. 10. See St. 1908, 195, 469.

SECT. 12. Salaries changed. St. 1904, 386; 1906, 416. Provision for retirement of judges on a pension. St. 1908, 179.

SECT. 13, relative to appeals, amended. St. 1902, 458; 1904, 448 §§ 3, 8; 1905, 288. (See 1905, 249, 291; 1907, 225 § 3.)

SECTS. 13-17. See St. 1904, 448 § 3; 1905, 249, 288, 291.

SECT. 18 amended. St. 1905, 249 § 2. Affected. St. 1906, 50 § 3. (See 1905, 296 § 2.)

SECT. 28. See St. 1907, 225 § 3.

SECT. 29. See St. 1904, 448 § 6.

SECT. 31. See St. 1907, 204.

SECT. 32 amended. St. 1906, 452 § 1.

SECT. 35. Act relative to compensation of masters. St. 1905, 195.

SECT. 40. See St. 1904, 448 § 4.

SECT. 55. See St. 1907, 225 § 3.

SECT. 59. See St. 1907, 351; 1909, 160.

SECT. 61. See St. 1907, 294.

SECT. 62 amended. St. 1905, 296 § 1. Limited. St. 1905, 296 § 2.

SECT. 89. See St. 1904, 317, 443.

SECT. 109. See St. 1905, 249 § 3.

#### **Chapter 129. — Of Estates for Years and at Will.**

As to payment of legacy tax on estates where there is an intervening estate for life or a term of years, see St. 1902, 473; 1904, 421; 1907, 563 §§ 4-7; 1909, 490 IV §§ 5-7, 527 §§ 2-4.

#### **Chapter 131. — Of Homesteads.**

SECT. 6. See St. 1906, 129.

#### **Chapter 132. — Of the Rights of a Husband in the Real Property of His Deceased Wife, and the Rights of a Wife in that of Her Deceased Husband.**

Act relative to conveyances and will of a husband deserted by his wife, or living apart from her for justifiable cause. St. 1906, 129.

SECT. 1. St. 1894, 170, is declared to be in full force in respect of claims to which surviving husband or wife was entitled on or before December 31, 1901, under Public Statutes, ch. 124 §§ 1, 3. St. 1902, 482.

SECTS. 4, 5. Signature of married woman under twenty-one is valid. St. 1902, 478.

SECT. 9 amended. St. 1904, 306.

#### **Chapter 134. — General Provisions relative to Real Property.**

As to payment of legacy tax on estates where there is an intervening estate for life or years, see St. 1902, 473; 1904, 421; 1907, 563 §§ 4-7; 1909, 490 IV §§ 5-7, 527 §§ 2-4.

SECT. 18. See St. 1907, 351; 1909, 160.

#### **Chapter 135. — Of Wills.**

SECT. 12 amended. St. 1902, 160.

SECT. 16. If the probate court decrees that husband has been deserted by wife, or has left her for justifiable cause, wife may not waive provisions of his will. St. 1906, 129 § 1.

SECTS. 22-24. See St. 1909, 198.

#### **Chapter 136. — Of the Probate of Wills and the Appointment of Executors.**

SECT. 1 amended. St. 1905, 90.

SECT. 4 amended. St. 1907, 130.

#### **Chapter 137. — Of the Appointment of Administrators.**

SECT. 13 amended. St. 1908, 153.



**Chapter 138. — Of Public Administrators.**

SECT. 1 amended. Number limited. St. 1908, 510, 621.

SECT. 2 amended. St. 1907, 284.

SECTS. 3-5. See St. 1909, 114.

SECTS. 10, 11. Public administrators may be authorized by probate courts to have charge of and to lease or sell real estate. St. 1903, 260 §§ 1, 2; 1905, 124 § 1. Sales made under St. 1903, 260 § 1, ratified. St. 1905, 124 § 2.

**Chapter 139. — General Provisions relative to Executors and Administrators.**

SECTS. 2, 3. See St. 1907, 549.

SECT. 5. See St. 1907, 563 §§ 8, 9, 23; 1909, 527 §§ 5, 9.

SECT. 6. See St. 1909, 198.

**Chapter 140. — Of Allowances to Widows and Children, the Distribution of the Estates of Intestates and of Advancements.**

SECT. 3. Cl. 3 amended. St. 1905, 256.

**Chapter 141. — Of the Payment of Debts, Legacies and Distributive Shares.**

Act to provide for the taxation of legacies and successions. St. 1907, 563.

Attachment of property of a deceased person restricted. St. 1907, 553.

SECT. 2 amended. St. 1904, 165.

SECT. 6 amended. St. 1908, 313.

SECT. 9 *et seq.* Time limited within which real estate may be taken or sold for payment of debts. St. 1907, 549.

SECT. 13. See St. 1907, 563 § 4; 1909, 490 IV § 4, 527 § 2.

**Chapter 142. — Of Insolvent Estates of Deceased Persons.**

SECT. 1 amended. St. 1909, 297.

SECT. 2 amended. St. 1907, 257.

**Chapter 143. — Of the Settlement of the Estates of Deceased Non-residents.**

SECT. 2 amended by act to facilitate settlements. St. 1904, 360.

**Chapter 144. — Of the Settlement of Estates of Absentees.**

Act relative to the settlement of trust estates, the final disposition of which depends upon the death of a beneficiary who has disappeared or absconded and not been heard of for fourteen years. St. 1905, 326.

SECT. 1 revised. St. 1903, 241 § 1; 1906, 224 § 1. (See 1902, 544 § 14.)

SECTS. 3-5, 7, 8. See St. 1902, 544 §§ 15-19; 1903, 241 § 3.

SECT. 4 amended. St. 1904, 206 § 1.

SECTS. 7-9. See St. 1909, 115.

SECT. 9 amended. St. 1906, 175 § 1.

SECT. 11 revised. St. 1903, 241 § 2.

SECT. 12. See St. 1902, 544 § 20; 1904, 206 § 2.

#### Chapter 145. — Of Guardianship.

SECT. 4 amended. Parents or surviving parent to have custody of minor, if competent. St. 1902, 474; 1904, 163. (See 1902, 324; 1908, 286.)

SECT. 6. Repeal and substitute. St. 1909, 504 §§ 99, 101, 107. (See 1907, 169 § 1.)

SECT. 7 amended. St. 1907, 169 § 2.

SECT. 10. See St. 1908, 75.

SECT. 20. Repeal and substitute. St. 1909, 504, §§ 100, 107.

SECT. 23 amended. St. 1906, 452 § 2.

SECT. 28. See St. 1906, 501; 1909, 174.

SECT. 30 *et seq.* See St. 1908, 75.

SECT. 40 amended. St. 1903, 96 § 1; 1905, 127 § 1; 1907, 169 § 3. A trust company may be appointed. St. 1908, 116, 505. (See 1909, 256.)

#### Chapter 146. — Of Sales, Mortgages and Leases of Real Property by Executors, Administrators and Guardians.

SECT. 1 *et seq.* Time limited within which real estate may be sold for payment of debts. St. 1907, 549. See St. 1909, 198.

SECT. 13. Repeal and substitute. St. 1909, 504 §§ 102, 107.

SECT. 18 amended. St. 1904, 217 § 1; 1906, 73 § 1; 1907, 236 § 1.

SECT. 25 amended. St. 1907, 219 § 1.

SECT. 26. See St. 1909, 160.

#### Chapter 147. — Of Trusts.

Act relative to trustees of voluntary associations under written instruments. St. 1909, 441.

SECT. 15 amended. St. 1907, 262.

#### Chapter 148. — Provisions relative to Sales, Mortgages, etc., by Executors, etc.

Public administrators may be licensed to lease or sell real estate. St. 1903, 260.

Time limited within which real estate may be sold for payment of debts. St. 1907, 549.

SECT. 3. See St. 1907, 563 §§ 16, 17; 1909, 490 IV §§ 16, 17.

SECT. 14 revised. St. 1907, 447.

SECTS. 14-18. Probate court to have jurisdiction. St. 1903, 222 § 1.

SECT. 15. Certain proceedings of probate courts are confirmed. St. 1902, 538.

**Chapter 149. — Of Bonds of Executors, Administrators, Guardians and Trustees.**

Provisions of this chapter extended to trustees holding property for public charitable purposes. St. 1908, 295.

SECT. 1. See St. 1909, 256. Cl. 4; see St. 1905, 326; 1906, 224.

SECT. 6. See St. 1908, 295.

SECT. 9. Limited. St. 1907, 576 § 61.

**Chapter 150. — Of the Accounts and Settlements of Executors, Administrators, Guardians, Trustees and Receivers.**

Act to regulate disbursements by trustees. St. 1907, 371. (See 1907, 563 §§ 8, 9.)

Trusts for benefit of a city or town to be audited by city or town auditor. St. 1904, 322.

Act relative to the settlement of trust estates the final disposition of which depends upon the death of a beneficiary who has disappeared or absconded and not been heard of for fourteen years. St. 1905, 326.

SECT. 8. See St. 1907, 294.

SECT. 17 amended. St. 1907, 438.

SECT. 25 amended. St. 1906, 127 § 1.

**Chapter 151. — Of Marriage.**

SECT. 11. See St. 1902, 324; 1907, 390.

SECT. 14 revised. St. 1902, 310.

SECT. 20 amended. St. 1907, 159.

SECT. 40. Advertising to perform or procure performance of marriage ceremony is made punishable. St. 1902, 249.

**Chapter 152. — Of Divorce.**

Provision for investigation in suits for divorce or nullification. St. 1907, 390.

SECT. 13 amended. St. 1902, 544 § 21.

SECT. 24. See St. 1906, 129.

SECT. 25. Court having jurisdiction may bring before it on *habeas corpus* any child whose care or custody is in question. St. 1902, 324. (See 1902, 474.)

SECT. 39. See St. 1909, 49.

**Chapter 153. — Of Certain Rights and Liabilities of Husband and Wife.**

Act relative to conveyances and will of a husband deserted by his wife or living apart from her for justifiable cause. St. 1906, 129.

SECTS. 15, 16. See St. 1902, 478; 1908, 75.

SECT. 31 *et seq.* See St. 1906, 501.

SECT. 33. See St. 1902, 324; 1903, 334; 1905, 307; 1906, 129, 501; 1909, 180.

SECT. 37. See St. 1906, 501; 1909, 180.

**Chapter 154. — Of the Adoption of Children and Change of Name.**

SECT. 2 amended. St. 1902, 544 § 22; 1904, 302.

SECT. 3 amended. St. 1907, 405.

**Chapter 156. — Of the Supreme Judicial Court.**

SECT. 5 amended. Provision for jurisdiction of actions of contract and replevin stricken out. St. 1905, 263 § 1. (See 1906, 306 § 2, 372, 377, 433 § 7.) For removal of pending actions of contract or replevin. St. 1909, 33.

SECT. 7. Act relative to exceptions in civil actions before a jury. St. 1908, 177.

SECTS. 15, 16. Plymouth law questions to be heard in Suffolk. St. 1903, 54 §§ 1, 2.

**Chapter 157. — Of the Superior Court.**

SECT. 1. Number of associate justices increased. St. 1907, 286. (See 1902, 383; 1903, 472 § 2.)

SECTS. 2, 3. See St. 1903, 383 § 4.

SECT. 3. Jurisdiction in writs of entry, petitions to try title to real estate, to determine validity of encumbrances on real estate, to discharge mortgages and to determine boundaries of flats, transferred to the land court. St. 1904, 448 § 1; 1906, 50. (See 1905, 195, 249, 288, 291; 1906, 344; 1909, 394 § 2.) Provision for issue of *habeas corpus* in disputes as to care or custody of child. St. 1902, 324.

SECT. 4. See St. 1905, 263 § 1; 1906, 433 § 7, 434 § 2; 1908, 380; 1909, 33, 394 § 2, 433 § 4.

SECT. 6. See St. 1905, 288.

SECT. 21. Act relative to exceptions in certain cases. St. 1908, 177.

SECTS. 21, 34, 35. Provision for expense of printing and transportation of papers, etc. St. 1907, 80.

SECT. 24. Sessions changed: Barnstable, St. 1902, 456 § 2. Berkshire, 1904, 38. Hampden, 1904, 144; 1907, 26. Middlesex, 1903, 97 § 1; 1909, 197. Plymouth, 1903, 54 §§ 3-5. Suffolk, 1902, 456 § 1; 1903, 472 § 1.

SECT. 27 amended. St. 1909, 193.

SECT. 28 amended. St. 1909, 504 § 51. (See 1907, 176.)

SECTS. 30, 35. See St. 1908, 465 § 1.

**Chapter 158. — Provisions Common to the Supreme Judicial Court and the Superior Court.**

SECT. 4. See St. 1907, 204.

SECT. 10. Judges of Land Court added. St. 1908, 179.

**Chapter 159. — Of the Equity Jurisdiction and Procedure of the Supreme Judicial Court and the Superior Court.**

SECTS. 1-3. See St. 1903, 383 § 4; 1905, 315; 1906, 306 § 2, 372, 377 § 2; 1908, 380; 1909, 177, 433 § 4.

SECT. 3 amended. St. 1902, 544 § 23.

SECT. 8 amended. St. 1909, 183.

SECTS. 8-10. See St. 1909, 116.

SECT. 11. Separate equity docket in Essex. St. 1905, 107.

#### Chapter 160. — Of Police, District and Municipal Courts.

SECT. 1. Jurisdiction extended: Fitchburg, St. 1904, 259. Lowell, 1904, 264. (See 1906, 489 § 4; 1907, 411; 1909, 117.)

SECT. 2. New courts established: Boston juvenile, St. 1906, 489; 1907, 137, 411. (See 1907, 158, 195; 1908, 458; 1909, 181.) Fourth Bristol, 1903, 214. Third Essex, 1906, 299 § 1. Eastern Hampshire, 1903, 412. Winchendon, 1904, 372 § 1. (See 1906, 240.) Western Worcester, 1902, 416 §§ 1, 2. Districts changed: Eastern Hampden, St. 1907, 110. Lynn, 1909, 117. First and fourth eastern Middlesex. St. 1909, 93. Newburyport, 1902, 455. Central Worcester, 1902, 186. First and second eastern Worcester, 1902, 161. First northern Worcester, 1907, 98.

SECT. 6 amended. St. 1909, 219.

SECTS. 9-12. Clerk for second Essex, St. 1906, 240. Central Middlesex, 1905, 133. Williamstown, 1906, 351. Winchendon, 1906, 248. Eastern Worcester, 1905, 192. Second southern Worcester, 1906, 194.

SECT. 11 amended. Assistant may be a woman. St. 1908, 289. See St. 1909, 357.

SECTS. 12, 13. Provision for assistant clerks *pro tempore*. St. 1906, 256.

SECT. 15. See St. 1908, 195, 469.

SECT. 24 *et seq.* See St. 1903, 209, 334 §§ 1-3; 1904, 282 § 3; 1906, 105 § 6, 282, 489 § 3; 1907, 251; 1908, 335 § 3; 1909, 181.

SECT. 25. See St. 1906, 413, 489; 1907, 137; 1908, 286.

SECT. 28 revised. St. 1909, 442.

SECT. 39 *et seq.* Sessions: Winchendon, St. 1904, 372 §§ 3, 4. Western Worcester, 1902, 416 § 4. (See 1904, 218.)

SECT. 44 amended. St. 1906, 166.

SECT. 48. See St. 1904, 453 § 5.

SECT. 56 revised. St. 1907, 179.

SECT. 58. Additional assistants. St. 1906, 468; 1908, 418. Clerical assistance. St. 1908, 440; 1909, 434.

SECT. 59. Jurisdiction in certain juvenile cases transferred to the Boston juvenile court. St. 1906, 489 § 4. (See 1906, 499 § 5; 1907, 137, 411; 1908, 286.)

SECT. 62. Additional officers. St. 1905, 295; 1906, 192, 329; 1907, 223, 261; 1908, 190, 191.

SECT. 64 amended. St. 1909, 386. Officers attending sessions to wear uniforms. St. 1902, 368; 1906, 355 § 2. Messenger for municipal court of Boston. St. 1906, 192.

SECT. 65. See St. 1908, 195, 469.

SECT. 66 amended. St. 1908, 191.

SECT. 67 in part repealed. Salaries classified and established. St. 1904, 453 §§ 1, 4; 1905, 339; 1909, 357. (See 1902, 299, 320, 356, 360, 378, 416 § 3; 1903, 214 § 2, 412 § 2; 1904, 372 § 2; 1905, 133, 192; 1908, 637.) Boston juvenile, St. 1906, 489 § 2. Charlestown, court officers. St. 1909, 367. Chelsea, 1906, 325. East Boston, 1907,



333. Second Essex, 1906, 240. Third Essex, 1906, 299 § 2. Franklin, eastern Franklin and eastern Hampshire, 1907, 128. (See 1904, 453 § 2.) Lawrence, 1908, 323. Lee, 1905, 443. Lowell, 1905, 165. South Boston, 1907, 324. Williamstown, 1906, 351. Winchendon, 1904, 372 § 2; 1906, 248 § 1. Municipal court of Boston, 1904, 454 § 1; 1905, 452; 1906, 192 § 1, 355, 449 § 1, 450, 468; 1908, 418. (See 1902, 368.) Allowance for clerical assistance: First Barnstable, St. 1904, 331. Second Barnstable, 1906, 228. Brighton, 1909, 364. Second Bristol, copyist, 1908, 351. Brockton, 1906, 289. Boston, 1906, 449 § 2; 1908, 440. Boston juvenile, 1908, 458. Brookline, 1909, 365. Chelsea, 1904, 258. East Boston, 1907, 323. (See 1903, 179.) First Essex, 1906, 196. Lynn, 1909, 368. Second eastern Middlesex, 1906, 195; 1908, 348. Third eastern Middlesex, 1909, 366. Newton, 1909, 217. Roxbury, 1908, 475. West Roxbury, 1908, 395. First northern Worcester, 1906, 197.

SECT. 68 repealed. St. 1904, 453 § 4. Provision for travelling expenses. St. 1904, 453 § 3.

SECT. 69. Compensation of special justices: Dukes county. St. 1902, 309. (See 1909, 504 §§ 29, 48.)

SECT. 70. Compensation of assistant clerks *pro tempore*. St. 1906, 256 § 1.

SECT. 71. See St. 1907, 204.

#### Chapter 161. — Of Justices of the Peace and Trial Justices.

SECT. 8. See St. 1908, 195, 469.

SECT. 14 amended. Error corrected. St. 1902, 544 § 24.

SECT. 30 *et seq.* See St. 1903, 209 § 1.

#### Chapter 162. — Of Probate Courts.

SECT. 3. Jurisdiction extended. St. 1902, 371; 1903, 222, 248, 260; 1906, 129, 309; 1908, 75.

SECT. 4. Court may proceed by *habeas corpus* to determine question of care and custody of children in certain cases. St. 1902, 324.

SECT. 5. Certain proceedings of the probate courts confirmed. St. 1902, 538.

SECT. 19 amended. St. 1907, 266.

SECT. 38 amended. St. 1907, 129.

SECT. 47 amended. St. 1905, 229.

SECT. 60. Changes in sessions: Essex, St. 1908, 218. Hampden, 1905, 79. Middlesex, 1907, 273. Worcester, 1908, 227.

#### Chapter 163. — Of Courts of Insolvency.

SECT. 2 amended. Error corrected. St. 1902, 544 § 25.

SECT. 118. See St. 1908, 151.

SECTS. 122, 123. Certain deposits may be paid to the State treasurer. St. 1908, 168.

SECT. 136. Sale of merchandise in bulk is restricted. St. 1903, 415.

**Chapter 164. — Of Judges and Registers of Probate and Insolvency.**

Act to provide for retirement of judges. St. 1906, 474.

SECTS. 1, 2. Two judges in Worcester. St. 1907, 442 §§ 1, 2. And Essex. St. 1908, 541 § 1. Special judges in Berkshire and Hampden. St. 1908, 110 § 1. And Franklin and Hampshire. St. 1909, 166. (See 1908, 110, § 2.)

SECT. 5 amended. St. 1904, 401 § 1; 1905, 92 § 1.

SECT. 7 amended. St. 1904, 401 § 2; 1906, 59 § 1. (See 1908, 110 § 2.)

SECT. 11. See St. 1908, 195, 469.

SECT. 12 *et seq.* See St. 1907, 563 § 14; 1908, 268; 1909, 271.

SECT. 15. See St. 1907, 225.

SECT. 17. Assistants: Barnstable, St. 1907, 207 § 1. Berkshire, 1904, 286 § 1. Assistants may be women in certain counties. St. 1904, 286 § 1; 1907, 207 § 1, 442 § 3; 1908, 231; 1909, 248. Assistants in Middlesex. St. 1905, 323; 1909, 494. And in Suffolk. St. 1908, 231.

SECT. 20. See St. 1905, 323 § 1; 1908, 231 § 1.

SECT. 27 in part repealed. Salaries classified and established. St. 1904, 455 §§ 1, 3; 1907, 207 § 1, 442 §§ 4, 5; 1908, 541 § 3. (See 1906, 59; 1908, 110 § 2.) Provision for future readjustment of salaries. St. 1904, 455 § 2. For retirement on pension. St. 1906, 474. Assistant registers, Berkshire, St. 1906, 265 §§ 1, 3. (See 1904, 286 § 2.) Middlesex, 1905, 323 § 1; 1909, 494. Suffolk, 1908, 231. Worcester, 1909, 431.

SECT. 28 amended. St. 1904, 286 § 3; 1908, 326, 328. (See 1909, 271.) Limited. St. 1907, 207 § 2. In part repealed. St. 1909, 331 § 2.

SECT. 29. Amount increased: Berkshire, St. 1904, 286 § 3; 1908, 328. Bristol, 1902, 412; 1908, 327. Essex, 1904, 281; 1908, 374. Franklin, 1909, 331 § 1. Hampden, 1907, 206. Hampshire, 1908, 326. Middlesex, 1904, 387; 1909, 353. Norfolk, 1905, 183. Plymouth, 1904, 219; 1908, 319. Suffolk, 1908, 396. (See 1909, 271.) Worcester, 1909, 384.

SECT. 32. See St. 1904, 401 § 2; 1905, 92 § 1; 1906, 59 § 1.

SECT. 33 amended. St. 1906, 149. Allowance for uniform. St. 1904, 272.

SECT. 35. Pay of messenger and uniform. St. 1906, 193.

**Chapter 165. — Of Clerks, Attorneys and Other Officers of Judicial Courts.**

SECT. 2. See St. 1909, 271.

SECTS. 4-7. Additional assistant clerks: Essex, St. 1907, 253. Middlesex, 1903, 137 § 1. Suffolk superior, 1903, 472 § 3; 1906, 276. Worcester, 1904, 287 § 1.

SECT. 7. Assistant may be a woman. St. 1907, 234.

SECT. 12. See St. 1908, 195, 469.

SECT. 15 amended. St. 1907, 145 § 1.

SECT. 17 *et seq.* Clerks to make certain annual returns to secretary of the Commonwealth. St. 1905, 321.

SECT. 31 amended. St. 1908, 253. (See 1909, 271.)

SECT. 33 amended. St. 1909, 165.

SECT. 34 superseded. Salaries classified and established. St. 1904, 451 §§ 1, 2. (See 1902, 462.) Changes. St. 1905, 179.

Provision for pension for certain clerks of courts. St. 1909, 398.

SECT. 35 superseded. Salaries classified and established. St. 1904, 451 §§ 1, 3; 1907, 145 § 2, 253; 1909, 232. (See 1902, 358, 499, 513; 1903, 137, 472 § 3.) Suffolk superior. St. 1902, 499; 1905, 380; 1906, 276 § 1. Bi-weekly payments. St. 1908, 259.

SECT. 38. Provision for expense of printing, and transportation of papers, etc., of the superior court. St. 1907, 80.

SECTS. 40, 41 revised. St. 1904, 355 §§ 1, 2. (See 1907, 443; 1909, 49.)

SECT. 43 revised. St. 1904, 355 § 3.

SECT. 44 *et seq.* See St. 1904, 458 § 5; 1907, 443.

SECT. 48. See St. 1907, 490.

SECT. 52 amended. Eleven in Middlesex. St. 1904, 348. May act in any county. St. 1906, 187. (See 1905, 110; 1906, 180; 1909, 235.)

SECT. 63 amended. St. 1908, 358 § 1.

SECT. 67 superseded. St. 1909, 230. (See 1908, 358 § 2.)

SECT. 69 in part superseded. St. 1907, 133. Officers may serve *venires* and processes in certain cases. St. 1907, 312.

SECT. 72 *et seq.* Tenure of office. St. 1906, 147.

SECT. 76 amended. St. 1906, 470 § 1; 1907, 459.

SECT. 81 amended. St. 1904, 145.

SECT. 88. See St. 1908, 177.

#### Chapter 166. — Of Provisions relative to Courts and of Naturalization.

SECT. 5. See St. 1907, 204.

SECT. 18. See St. 1903, 442; 1906, 527.

SECT. 21 (new section) added, providing for evening sessions. St. 1905, 340.

#### Chapter 167. — Of the Commencement of Actions and the Service of Process.

Act to require certain non-residents to appoint agents upon whom service of legal process may be made. St. 1908, 528.

SECT. 3. See St. 1909, 33.

SECT. 6. See 1904, 320; 1909, 514 § 145.

SECT. 15. See St. 1905, 266.

SECT. 24. See St. 1907, 176, 204.

SECT. 25 amended. St. 1908, 338.

SECT. 28 amended as to trustee process. St. 1906, 201.

SECTS. 30-33 affected. St. 1909, 116.

SECTS. 34-37. See St. 1906, 269, 372; 1908, 528.

SECT. 36. Extended to certain foreign corporations. St. 1907, 332. (See 1908, 528.)

SECT. 38 *et seq.* Attachment of property of deceased persons is restricted. St. 1907, 553.

SECT. 39 in part repealed. St. 1906, 463 I §§ 61, 68.

SECT. 56 amended. St. 1907, 546 § 2.

SECT. 62 amended. St. 1907, 370.

SECT. 69. See St. 1907, 490.

SECT. 80 amended. St. 1907, 453.

SECT. 110 amended. St. 1909, 190.

SECT. 111 *et seq.* Provisions against unauthorized dissolutions. St. 1907, 334.

SECTS. 116, 117, 121-123. See St. 1905, 110; 1906, 187.

SECT. 117 amended. St. 1907, 393.

SECTS. 121, 122. See St. 1906, 187; 1907, 490 § 1; 1909, 237.

#### Chapter 168. — Of Arrest on Civil Process.

SECTS. 6, 7. Act to abolish demand on female judgment debtors. St. 1909, 119.

SECT. 20 amended. St. 1906, 203 § 1.

SECT. 33. See St. 1909, 490 II § 29.

SECT. 41 amended. St. 1906, 203 § 2.

#### Chapter 170. — Of Proceedings against Absent Defendants and upon Insufficient Service.

SECT. 1. See St. 1906, 269, 372; 1907, 332; 1908, 528.

#### Chapter 171. — Of the Survival of Actions and of the Death and Disabilities of Parties.

SECT. 2 amended. St. 1907, 375.

#### Chapter 173. — Of Pleading and Practice.

SECT. 2 *et seq.* See St. 1905, 266.

SECT. 24 amended. St. 1907, 176.

SECT. 38 superseded. St. 1909, 227. (See St. 1907, 582 §§ 1, 18.)

SECT. 39 *et seq.* See St. 1909, 183.

SECT. 48. See St. 1905, 266.

SECT. 55 amended. St. 1905, 271.

SECT. 57 revised. St. 1909, 225.

SECT. 59 amended. St. 1909, 206.

SECT. 76 repealed. St. 1906, 342 § 1.

SECT. 81 amended. St. 1904, 448 § 9; 1905, 286.

SECT. 96 amended. St. 1906, 342 § 2.

SECT. 97 amended. St. 1906, 451. (See 1907, 176.)

SECTS. 105-111. Acts relative to exceptions in certain cases. St. 1906, 342 § 3; 1908, 177, 516. Provision for expediting final determination of causes in certain cases of exceptions to refusal of court of request to order a verdict upon all the evidence. St. 1909, 236.

SECT. 106 amended. St. 1906, 342 § 3.

SECTS. 112, 113. See St. 1909, 236 § 3.

SECT. 116 amended. St. 1907, 546 § 1.

**Chapter 174. — Of Set-Off and Tender.**

SECT. 3. See St. 1908, 590 § 49.

SECT. 14. See St. 1904, 317.

**Chapter 175. — Of Witnesses and Evidence.**

SECT. 8 amended. St. 1907, 328. (See 1906, 291 § 18.)

SECT. 10 *et seq.* See St. 1904, 343 § 2; 1908, 604 § 72.

SECTS. 27-30. See St. 1909, 237.

SECT. 74. See St. 1905, 330 § 2; 1907, 225; 1908, 269.

**Chapter 176. — Of Juries.**

Act relative to juries and jury service. St. 1907, 348. (See 1909, 504 § 79.)

SECT. 3 amended. St. 1904, 307 § 1; 1906, 257.

SECT. 4 amended. St. 1907, 348 §§ 1-4.

SECT. 5 revised. St. 1907, 348 § 5.

SECT. 6 amended. St. 1907, 348 § 6.

SECT. 7 amended. St. 1907, 348 § 7.

SECT. 8 amended. St. 1907, 348 § 8.

SECT. 11. See St. 1907, 312.

SECT. 36 *et seq.* Additional penalties. St. 1907, 348 §§ 2, 3.

**Chapter 177. — Of Judgment and Execution.**

SECT. 2. See St. 1907, 204.

SECT. 8. See St. 1902, 521 § 1. (17.)

SECTS. 49, 50. See St. 1909, 440 II § 24.

**Chapter 179. — Of the Writ of Entry.**

Jurisdiction of writs of entry transferred to the land court. St. 1904, 448 § 1.

SECT. 7. See St. 1905, 266.

**Chapter 181. — Of the Summary Process for the Possession of Land.**

SECT. 4. See St. 1907, 490.

**Chapter 182. — Of Proceedings for the Settlement of Title to Land.**

SECTS. 1-5, 11-14, 15. Jurisdiction transferred to the land court. St. 1904, 448 § 1; 1905, 249 § 4. (See 1905, 288; 1906, 50, 344; 1909, 160.)

**Chapter 183. — Of the Determination of Boundaries of Flats.**

SECT. 1 amended. St. 1906, 50 § 1.

SECT. 2. See St. 1906, 50 § 2.

SECT. 15. See St. 1907, 294.



**Chapter 184. — Of the Partition of Land.**

SECT. 33 amended. Errors corrected. St. 1902, 544 § 26.

SECT. 47 amended. St. 1907, 361.

**Chapter 187. — Of the Foreclosure and Redemption of Mortgages.**

Acts relative to the discharge of mortgages. St. 1907, 294 ; 1908, 149 ; 1909, 160, 198.

SECT. 14 amended. St. 1906, 219 § 1. (See 1909, 198.)

SECT. 15 amended. St. 1906, 219 § 2. (See 1909, 160.)

SECT. 37. See St. 1907, 294.

**Chapter 189. — Of the Trustee Process.**

SECT. 1. See St. 1906, 269.

SECT. 6. See St. 1906, 201.

SECT. 19. See act relative to trustee process against common carriers. St. 1905, 324.

SECT. 34 superseded, 1909, 514 §§ 125, 145. (See 1905, 308 ; 1906, 390 ; 1908, 605 §§ 7, 8 ; 1909, 278, 317.)

SECT. 65. See St. 1905, 110.

**Chapter 191. — Of Habeas Corpus.**

Provision for issue of writ of *habeas corpus* in cases of divorce, nullity of marriage, separate support or maintenance, or any proceeding in which the care and custody of children is in question. St. 1902, 324.

SECT. 48. See St. 1908, 286.

**Chapter 192. — Of Audita Querela, Certiorari, Mandamus and Quo Warranto.**

SECT. 4 amended. St. 1902, 544 § 27.

**Chapter 196. — Of Mills, Dams and Reservoirs.**

SECT. 4 amended. St. 1905, 259.

SECT. 30. See St. 1905, 266.

**Chapter 197. — Of Liens on Buildings and Land.**

SECT. 10 amended. St. 1908, 127.

SECT. 28 amended. St. 1906, 223 ; 1909, 237 § 1. Extended to personal property liens. St. 1907, 490 § 1.

**Chapter 198. — Of Mortgages, Conditional Sales and Pledges of, and Liens upon, Personal Property.**

Provisions for dissolution of certain liens. St. 1907, 490.

SECTS. 23-26. See St. 1907, 490.

SECT. 28. See St. 1904, 242.

**Chapter 201. — Of Claims against the Commonwealth.**

SECT. 1 amended. St. 1905, 370 § 1. (See 1907, 340 § 2; 1908, 590 § 57.)

SECT. 2 revised. St. 1909, 204 § 1. (See 1905, 370 § 2; 1908, 288.)

**Chapter 202. — Of the Limitation of Actions.**

SECT. 4. Actions of tort for personal injuries against counties, cities and towns added. St. 1902, 406. (See 1905, 266.)

**Chapter 203. — Of Costs in Civil Actions.**

Certain items of cost added in cases of petitions for abolition of grade crossings under R. L., ch. 111. St. 1902, 298.

SECT. 24. See St. 1908, 177.

SECT. 26 amended. St. 1904, 413 § 1.

**Chapter 204. — Of the Fees of Certain Officers.**

SECT. 2 amended. St. 1904, 350 § 1; 1909, 186.

SECT. 2 *et seq.* Fees to be paid into county treasury. St. 1904, 453 § 5.

SECT. 6 amended. City of Boston, as a party in civil actions, to pay no fees or expenses of suits to clerks of courts of Suffolk. St. 1902, 253.

Fee for rule to auditor, etc., and for *alias* execution stricken out. St. 1904, 350 § 2.

SECT. 10. Fee for taking bail fixed. St. 1907, 327. (See 1909, 490 II § 13.)

SECT. 12. As to Dukes county, see St. 1905, 336 § 1.

SECT. 17 amended relative to payment of jurors. St. 1903, 256 § 1; 1908, 353.

SECTS. 21, 39, 44. See St. 1907, 158.

SECT. 25 amended. Fee increased. St. 1908, 121.

SECT. 29 amended. St. 1908, 365. (See 1907, 294; 1908, 372 § 2; 1909, 160.)

**Chapter 205. — Of the Rights of Persons accused of Crime.**

Sheriff of any county except Suffolk may remove prisoners to and from jail and house of correction. St. 1909, 312.

SECT. 1. See St. 1906, 293.

SECT. 4. Male and female prisoners not to be placed in the same dock at same time in certain cases. St. 1904, 218 § 1.

**Chapter 206. — Of Crimes against the Sovereignty of the Commonwealth.**

Parading of foreign troops authorized in certain cases. St. 1906, 198.

SECT. 5 extended. St. 1907, 232 § 2. (See 1908, 229.)

**Chapter 207. — Of Crimes against the Person.**

Speed and operation of automobiles and motor vehicles on highways regulated. St. 1903, 473 §§ 3, 4-11; 1907, 203, 408, 580; 1908, 648; 1909, 534. (See 1902, 315; 1905, 311, 366; 1906, 353, 412; 1908, 263, 467, 642.)

Sale of wood alcohol regulated. St. 1905, 220.

Unreasonable neglect to support wife and minor children made punishable. St. 1906, 501; 1908, 104; 1909, 180.

SECT. 28. See St. 1906, 386 §§ 2-4.

**Chapter 208. — Of Crimes against Property.**

Act to regulate sale and lease of machinery, tools, implements and appliances. St. 1907, 469.

Provision for protection of property, etc., used by commissioners on fisheries and game. St. 1906, 327.

Stealing tools of mechanics, etc., is made punishable. St. 1907, 500 § 1.

Fraudulent conversion of property by captains of vessels. St. 1907, 389.

Unauthorized performance of certain dramatic and musical compositions. St. 1904, 183. Fraudulent advertisements for labor or help. St. 1908, 217.

Wilful printed misrepresentations as to merchandise. St. 1902, 397; 1907, 383.

As to sale or distribution of trading stamps or similar devices, see St. 1903, 386; 1904, 403; 1906, 523.

Sale of merchandise in bulk is restricted. St. 1903, 415.

Penalty for giving false or insufficient weight or measure. St. 1907, 394.

Wanton destruction or injury of personal property by means not mentioned in this chapter is punishable. St. 1904, 305.

The corrupt influencing of agents, employees or servants is punishable. St. 1904, 343 § 1.

SECT. 7. See St. 1908, 209 § 1.

SECT. 26 amended. St. 1906, 261 § 1.

SECTS. 26, 27. See St. 1902, 397; 1907, 383, 389.

SECT. 37 amended. St. 1906, 181.

SECT. 40 repealed. St. 1902, 544 § 28.

SECT. 51. See St. 1903, 415 § 1.

SECT. 60. Provision to prohibit unauthorized use of certain registered insignia, badges, etc. St. 1909, 514 § 32. (See 1902, 430; 1903, 275; 1904, 335; 1907, 232 § 3; 1908, 417 § 2.) And society titles, etc. St. 1908, 280.

SECT. 61 amended. St. 1902, 544 § 29. (See 1902, 397.)

SECT. 65. Act to prohibit false marking of articles made of gold or metal resembling gold. St. 1907, 460.

SECT. 73. See St. 1903, 415.

SECT. 80. See St. 1906, 327.

SECTS. 85, 86. See St. 1904, 370 § 4; 1905, 280 § 3; 1906, 463 III § 85.

SECT. 86 revised. St. 1904, 396; 1906, 463 I § 66. (See 1908, 495.)

SECTS. 91, 99, 105, 106, 111, 121. See St. 1904, 444 §§ 2, 3.

SECT. 99 amended. St. 1904, 444 § 1.

SECT. 100 amended. "Or wantonly" added. St. 1902, 544 § 30. (See 1905, 279 § 3.)

SECTS. 101, 102 amended. "Wantonly" substituted for "wilfully and maliciously." St. 1902, 544 §§ 31, 32. (See 1905, 279 § 3.)

SECT. 103 repealed. St. 1908, 296, § 5.

SECT. 104 amended. St. 1905, 279 § 2.

SECT. 106 amended. St. 1902, 544 § 33.

SECT. 108. See St. 1902, 57; 1905, 381; 1906, 268; 1909, 263.

SECTS. 109, 113. See St. 1906, 327.

SECT. 112 amended. St. 1905, 434. (See 1905, 400.)

SECT. 115 extended. St. 1903, 158.

SECTS. 117, 118. See act to prohibit misuse of vessels used in sale of milk. St. 1906, 116.

SECT. 120 revised. St. 1905, 241.

SECT. 124. See St. 1908, 209 § 1.

#### **Chapter 209. — Of Forgery and Crimes against the Currency.**

SECT. 1 amended. St. 1909, 155 § 1.

SECT. 3 amended. St. 1909, 155 § 2.

#### **Chapter 210. — Of Crimes against Public Justice.**

Act to prohibit soliciting employment by attorneys at law. St. 1907, 443. (See 1909, 49.)

SECTS. 14, 19. Act to prohibit conveying drugs or other articles to prisoners. St. 1905, 258.

SECT. 17. See St. 1907, 362.

SECT. 22 amended. St. 1909, 255.

#### **Chapter 211. — Of Crimes against the Public Peace.**

SECT. 9. The carrying of a loaded pistol without a license, and of certain other weapons, made punishable. St. 1906, 172 § 2; 1908, 350, 583.

#### **Chapter 212. — Of Crimes against Chastity, Morality, Decency and Good Order.**

Act relative to admission of persons under seventeen to dance halls and roller skating rinks. St. 1906, 384.

An act to require the use of underwater exhausts or mufflers on certain motor boats. St. 1909, 245.

Advertising to perform or procure performance of marriage ceremony is punishable. St. 1902, 249. Failure to support wife or minor child. St. 1906, 501; 1909, 180. False or fraudulent advertisements for labor or help. St. 1908, 217.

Act relative to the receiving of alms in public places in the city of Boston. St. 1909, 538.

- SECT. 16 amended. St. 1905, 316.  
SECT. 20 amended. St. 1904, 120. (See 1908, 386.)  
SECT. 37 revised. St. 1905, 384 § 1. (See 1905, 384 § 2.)  
SECT. 40. See St. 1908, 440.  
SECT. 41. See St. 1906, 291 § 10.  
SECT. 45 amended. St. 1905, 307 § 1; 1906, 501; 1908, 104; 1909, 180. (See 1905, 338; 1906, 129 § 1; 1907, 563 § 26.)  
SECT. 46 in part superseded. St. 1903, 209. (See 1906, 282; 1907, 251; 1909, 538 § 2.)  
SECT. 53 amended. St. 1906, 403 § 1. (See 1907, 494.)  
SECTS. 56, 57. See St. 1904, 274, 318; 1905, 344, 348; 1908, 568.  
SECT. 58. See St. 1909, 302.  
SECT. 70 *et seq.* See acts relative to disabled or diseased horses. St. 1906, 185; 1907, 363; 1908, 133. See also, St. 1909, 302.  
SECT. 73. See St. 1907, 490.  
SECT. 89. See St. 1908, 335.

#### Chapter 213. — Of Crimes against the Public Health.

Provision for marking vessels from which heated milk is sold. St. 1908, 570.

Spitting in certain public places and conveyances a punishable offence. St. 1906, 165; 1907, 410; 1908, 150.

SECT. 2. Sale or gift of certain harmful medicines, drugs, etc., restricted. St. 1906, 386; 1907, 180; 1908, 307; 1909, 375. (See 1908, 525 § 3.)

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SECT. 3 amended. St. 1909, 346 § 1.

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Act to require use of underwater exhausts or mufflers on certain motor boats. St. 1909, 245.

Acts relative to use of moving picture machines and cinematographs. St. 1905, 176, 437; 1908, 565, 566.

Carrying a loaded pistol without a license or other weapon is punishable. St. 1906, 172 § 2; 1908, 350, 583.

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Wilful printed misrepresentations as to merchandise or commodities. St. 1902, 397; 1907, 383. (See 1909, 399 § 4.) And unauthorized or fraudulent use of certain insignia, badges, names or titles. St. 1904, 335; 1907, 232 § 3; 1908, 280, 417.



Act relative to the receiving of alms in public places in the city of Boston. St. 1909, 538.

Act relative to lease and sale of machinery, tools, implements and appliances. St. 1907, 469.

Illegal shooting or hunting. St. 1905, 317; 1907, 198; 1908, 402, 484; 1909, 262, 362.

Names of persons conducting business must be recorded in certain cases. St. 1907, 539; 1908, 316.

As to sale or distribution of trading stamps or similar devices, see St. 1903, 386; 1904, 403; 1906, 523.

Act to prohibit bucketing and to abolish bucket shops. St. 1907, 414.

Corrupt influencing of agents, employees or servants is punishable. St. 1904, 343. Act relative to sale of paint, turpentine and linseed oil. St. 1908, 531.

Act to prohibit soliciting employment by attorneys at law. St. 1907, 443.

SECT. 2 amended. St. 1907, 366.

SECT. 29 extended. St. 1902, 397; 1903, 386.

#### Chapter 216. — Of Proceedings to prevent the Commission of Crimes.

SECT. 15. The carrying of a loaded pistol without a license, and of certain other weapons, made punishable. St. 1906, 172 § 2; 1908, 350, 583.

#### Chapter 217. — Of Search Warrants, Rewards, Fugitives from Justice, Arrest, Examination, Commitment, Bail and Probation.

SECT. 1. See St. 1904, 367 § 2; 1905, 347 § 1.

SECTS. 3-8. See St. 1905, 347 § 1.

SECT. 7 amended. St. 1908, 370.

SECT. 11 *et seq.* Provision for identification of fugitives from justice. St. 1906, 293. (See 1905, 459; 1909, 504 §§ 50, 51.)

SECTS. 29, 30. See St. 1906, 489 § 7.

SECT. 34. See St. 1906, 413 § 5; 1908, 286.

SECT. 35 amended. St. 1904, 164. (See 1903, 236.)

SECT. 44. See St. 1907, 176.

SECT. 52. Male and female defendants not to be placed in same dock in certain cases. St. 1904, 218 § 1.

SECT. 56. See St. 1905, 110; 1906, 180, 187.

SECTS. 56-60. See act relative to applications for bail to masters in chancery. St. 1909, 235.

SECT. 62 revised. St. 1906, 180. (See 1906, 187.)

SECT. 64. See St. 1907, 176.

SECT. 65. See St. 1906, 413 § 5.

SECT. 77 amended. St. 1906, 221.

SECT. 79 amended. St. 1903, 236 § 1.

SECT. 81 amended. Additional probation officers. St. 1905, 295; 1906, 329; 1907, 261; 1908, 190, 637; 1909, 216.

SECT. 81 *et seq.* See St. 1906, 489 § 6; 1907, 223; 1908, 465.

SECT. 82 extended. St. 1908, 637.

SECTS. 83, 86. See St. 1906, 291 § 10.

SECT. 84. See St. 1908, 440.

SECT. 84 *et seq.* Provision for restitution or reparation in certain cases. St. 1907, 335. (See 1905, 307, 338; 1906, 413 §§ 5-9.)

SECTS. 85-90 repealed. St. 1908, 465, § 6. Provision for a commission on probation, and certain duties of probation officers. St. 1908, 465. (See 1902, 196; 1908, 637; 1909, 216, 514 § 26.)

SECT. 94 amended. St. 1906, 440.

#### Chapter 218. — Of Indictments and Proceedings before Trial.

SECT. 15. See St. 1906, 413 § 11.

SECT. 58. See St. 1907, 158.

SECT. 67. See St. 1906, 501.

#### Chapter 219. — Of Trials and Proceedings before Judgment.

Male and female prisoners not to be placed in same dock in certain cases. St. 1904, 218 § 1.

SECT. 7 amended. St. 1909, 49.

SECTS. 11, 12 repeal and substitute. St. 1909, 504 §§ 103, 107. (See 1904, 257.)

SECT. 16 repeal and substitute. St. 1909, 504 §§ 104, 107.

SECT. 22 amended. St. 1905, 319. (See 1906, 413 § 5; 1909, 504 § 51.)

SECT. 28 revised. St. 1909, 381.

#### Chapter 220. — Of Judgment and Execution.

SECT. 1 revised. St. 1905, 338 § 1. (See 1905, 307; 1906, 413 § 5, 501 § 3; 1907, 335; 1908, 104.)

SECT. 4 amended. Unless otherwise provided, a person convicted of a misdemeanor, punishable by imprisonment, may be sentenced to jail or house of correction. St. 1902, 544 § 34.

SECTS. 5, 14. See St. 1909, 312.

SECTS. 15, 16. Sentences to reformatory prison for women regulated. St. 1903, 209 §§ 1-3; 1906, 282; 1907, 251.

SECT. 16 amended. St. 1904, 224.

SECT. 18. See St. 1906, 413 § 8.

SECT. 20. See St. 1906, 261 § 2.

SECT. 21 amended as to term of imprisonment. St. 1904, 303.

SECT. 27 amended. St. 1908, 232.

SECT. 29 revised. St. 1907, 252.

#### Chapter 222. — Of the Board of Prison Commissioners.

Provision for retiring and pensioning prison officers. St. 1908, 601.

Provision for hospital for prisoners having tubercular disease. St. 1905, 355; 1906, 243. For identifying certain persons held in prison. St. 1905, 459; 1906, 293.

SECT. 3. See St. 1902, 196; 1903, 209 §§ 4, 5, 212, 452; 1905, 355, 459 § 2; 1906, 243, 293, 302; 1908, 230, 601; 1909, 514 § 26.

SECT. 6. See St. 1905, 311 § 6.

SECT. 7. See St. 1906, 291 § 10.

SECT. 9. See St. 1905, 211 § 1.

**Chapter 223. — Of the State Prison, the Massachusetts Reformatory and the Reformatory Prison for Women.**

SECT. 3. Provision for retiring and pensioning prison officers. St. 1908, 601. Hours of labor. St. 1909, 514 §§ 53-55. (See 1908, 547.)

SECT. 6 affected. St. 1908, 195. Certain advances authorized. St. 1908, 178. (See 1907, 466; 1909, 218.)

SECTS. 8, 10. See St. 1908, 469.

SECT. 14. See St. 1905, 355; 1906, 243, 302.

SECT. 17 amended. St. 1906, 242 § 1.

SECT. 19. Salary changed: physician and surgeon. St. 1908, 426. (See 1902, 454.)

SECTS. 23, 25. See St. 1908, 469, 601.

SECT. 24. See St. 1907, 466; 1908, 195.

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SECT. 29. See St. 1906, 302.

SECT. 31. See St. 1908, 469.

SECT. 34. See St. 1907, 466; 1908, 195.

SECT. 37 repealed. St. 1904, 205 § 1.

SECT. 39. Clerk's salary changed. St. 1909, 303.

**Chapter 224. — Of Jails and Houses of Correction.**

SECT. 5. Sheriff of any county except Suffolk may transfer prisoners from jail to house of correction, or *vice versa*. St. 1909, 312.

SECT. 11. See St. 1895, 449 § 14; 1896, 521, 536; 1897, 395.

SECT. 16 *et seq.* See St. 1908, 601; 1909, 312.

SECT. 18. See St. 1905, 231; 1908, 547; 1909, 514 § 53.

SECT. 20 superseded. St. 1909, 514 §§ 55, 145.

SECT. 24. See St. 1906, 150; 1908, 469.

SECT. 26. See St. 1906, 302.

SECTS. 30, 31. See St. 1909, 271.

SECT. 31. See St. 1908, 195.

SECTS. 34-37 repealed. St. 1904, 211.

**Chapter 225. — Of the Officers and Inmates of Penal and Reformatory Institutions, and of Pardons.**

Provision for retiring and pensioning prison officers. St. 1908, 601.

SECTS. 7, 8, 9. See St. 1907, 466; 1908, 195.

SECT. 9. See St. 1905, 211 § 1.

SECT. 10 amended. St. 1904, 214.

SECT. 11 *et seq.* Hours of labor and number of employees. St. 1909, 514 §§ 53-55. (See 1905, 231; 1908, 547.)

SECT. 18 revised and extended. St. 1904, 241 § 1; 1905, 459 § 1; 1906, 293.

SECTS. 20, 21. See St. 1906, 293.

SECT. 28 amended. St. 1903, 207 § 1.

SECT. 29 revised. St. 1905, 244.

- SECT. 41. See St. 1909, 312.
- SECT. 51 amended. St. 1903, 213 § 1.
- SECT. 65. See St. 1906, 243; 1908, 469.
- SECT. 66 repealed and new provisions made. St. 1904, 243. (See 1905, 258.)
- SECT. 67. See St. 1908, 195.
- SECT. 72 amended. St. 1904, 363 § 1.
- SECT. 72 *et seq.* See St. 1905, 464.
- SECT. 80 *et seq.* See St. 1905, 355; 1906, 243, 302. Board may delegate to the chairman authority to remove and transfer prisoners. St. 1908, 230. (See 1909, 312.)
- SECT. 86. See St. 1906, 282; 1907, 251.
- SECT. 89 extended. St. 1909, 312.
- SECT. 96 amended. St. 1905, 240.
- SECT. 100. See St. 1905, 355 §§ 2, 3; 1906, 243, 302.
- SECTS. 101-103 repeal and substitute. St. 1909, 504 §§ 105, 106. (See 1906, 472 § 1; 1909, 274.)
- SECTS. 107-111. See act relative to expense of removing prisoners. St. 1906, 324.
- SECT. 108 revised. St. 1903, 354 § 1; 1906, 324.
- SECT. 117 amended. St. 1906, 244.
- SECT. 119 amended. St. 1909, 132 § 1.
- SECT. 120 amended. St. 1909, 132 § 2.
- SECT. 121 amended. St. 1902, 227. (See 1902, 196.)
- SECT. 128 amended. St. 1908, 251.
- SECT. 129 revised. St. 1903, 452 § 1. (See 1903, 209 § 5.)
- SECT. 131. See St. 1906, 243 § 2.
- SECT. 136 amended. St. 1903, 212 § 1; 1909, 295. (See 1909, 514 § 26.)
- SECT. 137 amended. St. 1905, 235; 1909, 295.

## II

## CHANGES IN THE GENERAL LAWS

## PASSED SINCE THE ENACTMENT OF THE "REVISED LAWS"

**Statutes of 1902**

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- 55 See 1906, 487. R. L. 6.
- 57 Affected, 1905, 381; 1906, 268; 1907, 521. § 2 repealed, 1905, 381 § 10. (See 1908, 296; 1909, 263.) R. L. 25, 26, 53, 101.
- 85 See 1905, 122. R. L. 92.
- 90 Repealed, 1907, 560 § 456. (See 1903, 279 §§ 5, 16.) R. L. 11.
- 91 Superseded, 1909, 490 I § 83. R. L. 12.
- 106 Superseded, 1907, 576 §§ 15, 122. R. L. 118.
- 108 Repealed, 1906, 171 § 3. (See 1903, 253.) R. L. 32.
- 109 Limited, 1907, 311. R. L. 25.
- 111 See 1909, 490 I § 49. R. L. 12.
- 112 Superseded, 1909, 490 I § 17. R. L. 12.
- 113 Superseded, 1909, 490 I § 15. R. L. 12.
- 114 See 1902, 534. R. L. 112.
- 116 § 3, see 1905, 211 § 1; 1909, 474. R. L. 89, 90.
- 127 § 1 amended, 1907, 250 § 2. R. L. 92.
- 137 Amended, 1906, 314 § 2. (See 1903, 205.) R. L. 91.
- 138 See 1902, 178; 1904, 367 § 1; 1906, 179 § 2; 1907, 198, 299; 1908, 195, 255, 469. R. L. 56, 91.
- 142 §§ 2, 3 repealed, 1904, 433 § 3. (See 1903, 365 § 1; 1904, 370 §§ 1, 3.) R. L. 32, 108.
- 154 § 1 superseded, 1905, 245. R. L. 92.
- 157 Repeal and substitute, 1907, 560 §§ 200, 456. (See 1903, 454 § 9; 1905, 386 § 6.) R. L. 11.
- 158 Superseded, 1905, 465 §§ 87, 194. (See 1908, 604.) R. L. 16.
- 165 Superseded, 1905, 406; 1906, 303. (See 1904, 366 § 3; 1909, 262.) R. L. 92.
- 169 Superseded, 1908, 590 §§ 19, 20, 29, 37, 69. R. L. 113.
- 171 § 1 amended, 1905, 206 § 1. R. L. 100.
- 177 Superseded, 1907, 139 § 2, 276. (See 1903, 120; 1905, 149.) R. L. 6.



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- 178 See 1904, 367 § 1; 1906, 179 § 2; 1907, 198, 299; 1908, 255.  
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- 183 Superseded, 1909, 514 §§ 66, 145. R. L. 106.
- 187 §§ 1, 4, see 1906, 291 § 4. R. L. 102.
- 189 § 1 amended, 1909, 258. (See 1907, 238.) R. L. 75.
- 190 § 2 superseded, 1902, 544 §§ 10, 35. R. L. 75.
- 192 Affected, 1904, 381; 1907, 43; 1909, 468. § 4 superseded, 1909,  
468 § 1. (See 1903, 420 § 1; 1904, 381 § 1; 1908, 405.) R. L.  
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- 196 See 1908, 465 § 3. R. L. 217.
- 206 § 1 amended, 1906, 365 § 4. § 2 superseded, 1906, 365 § 2. (See  
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- 211 Repealed, 1903, 279 § 18. R. L. 11.
- 213 § 1 amended, 1907, 386 § 1; 1909, 380. § 2 amended, 1907, 386 § 2.  
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- 216 See 1904, 381 § 1; 1909, 468. R. L. 79.
- 225 Superseded, 1907, 560 §§ 93, 456. (See 1902, 492.) R. L. 11.
- 226 Amended, 1904, 127. (See 1904, 283.) R. L. 20, 102.
- 228 §§ 3, 4 superseded, 1909, 483 §§ 5, 6. § 5 superseded, 1909, 318,  
483 § 7. § 6 superseded, 1909, 483 § 8. (See 1907, 54 § 2; 1908,  
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- 230 See 1905, 275. R. L. 9.
- 246 Affected, 1903, 280. R. L. 47.
- 250 Superseded, 1909, 468 §§ 3, 17. (See 1902, 292; 1904, 381 §§ 17,  
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- 251 Superseded, 1904, 381 § 3; 1909, 468 § 3. R. L. 79.
- 288 Superseded, 1906, 463 III §§ 38, 158. R. L. 112.
- 292 Superseded, 1904, 381 § 17; 1909, 468 § 17. R. L. 79.
- 298 Superseded, 1906, 463 I §§ 30, 31, 37, 68. (See 1902, 440; 1905,  
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- 299 Superseded, 1904, 453 §§ 1, 6. R. L. 160.
- 312 § 1, see 1903, 220 § 1, 1909, 471, 476. § 2 amended, 1903, 220 § 2;  
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- 313 In part superseded, 1905, 327 §§ 1, 2. R. L. 66.
- 314 Amended, 1906, 413 § 3. R. L. 86.
- 315 Repealed, 1903, 473 § 15. (See 1905, 311; 1906, 353; 1909, 534  
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- 320 Superseded, 1904, 453 §§ 1, 6. R. L. 160.
- 321 See 1907, 140, 190, 308. R. L. 76, 100.
- 322 Superseded, 1909, 514 §§ 78, 145. (See 1907, 537, § 5.) R. L.  
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- 324 See 1902, 474; 1904, 163; 1907, 390. R. L. 145, 151, 152.
- 327 Amended, 1908, 525 § 3. (See 1906, 281 § 1; 1907, 140, 190, 308;  
1908, 238, 307.) R. L. 76.
- 336 Superseded, 1905, 465 § 14. (See 1904, 439; 1908, 604.) R. L.  
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- 340 Repealed, 1907, 576 § 122. R. L. 118.

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- 342 § 1 superseded, 1909, 490 I § 23. § 2 superseded, 1909, 490 III § 40. (See 1903, 437 §§ 71, 95; 1909, 439, § 2.) § 3 superseded, 1909, 490 III § 41. (See 1906, 463 II § 212; 1909, 267 § 2, 439 § 2.) § 4 superseded, 1909, 490 III § 42. (See 1909, 439 § 3.) § 5 superseded, 1909, 490 III § 45. (See 1909, 439 § 4.) R. L. 13, 14.
- 346 Superseded, 1907, 560 §§ 359, 456. R. L. 11.
- 348 Superseded, 1907, 560 §§ 60, 456. (See 1902, 512.) R. L. 11.
- 349 See 1906, 372; 1909, 490 II § 21, III § 58. R. L. 126.
- 350 Superseded, 1909, 514 §§ 74, 75. R. L. 106.
- 355 § 2 revised, 1908, 520 § 4; 1909, 491 § 2. (See 1906, 204 § 4; 1908, 590 §§ 2, 15.) R. L. 113, 116.
- 356 Superseded, 1904, 453 §§ 1, 6. R. L. 160.
- 358 Superseded, 1904, 451 § 3. R. L. 165.
- 360 Superseded, 1904, 453 § 1. R. L. 160.
- 364 Amended, 1908, 496, 508, 561. R. L. 5.
- 368 § 1 amended, 1906, 355 § 2. R. L. 160.
- 370 Superseded, 1906, 463 III §§ 103, 158. (See 1902, 441; 1903, 437 §§ 14-16, 27.) R. L. 112.
- 374 Amended, 1909, 440 § 2. (See 1909, 490 I §§ 4, 7.) R. L. 12.
- 375 See 1909, 490 I §§ 7-9, 12. R. L. 12.
- 378 Superseded, 1904, 453 § 1. R. L. 160.
- 383 § 1 superseded, 1903, 472 § 2; 1907, 286. R. L. 157.
- 384 Superseded, 1909, 514 §§ 45, 145. (See 1904, 334; 1907, 560 § 447.) R. L. 11, 106.
- 391 See 1907, 524. R. L. 75.
- 395 Repealed, 1906, 463 III § 158. R. L. 112.
- 396 Repealed, 1906, 463 III § 158. R. L. 112.
- 397 See 1907, 383. R. L. 214.
- 399 Repealed, 1906, 463 III §§ 7, 64, 65, 158. (See 1906, 339; 1908, 266.) R. L. 112.
- 402 Superseded, 1906, 463 I §§ 2, 68. (See 1904, 96.) R. L. 111.
- 411 Superseded, 1902, 544 §§ 4, 35. (See 1904, 451 § 1, cl. H. R. L. 20.
- 412 Increase, 1908, 327. R. L. 164.
- 414 Amended, 1908, 126, 273. (See 1907, 577; 1908, 333, 343; 1909, 423 § 5.) R. L. 98.
- 416 § 3 in part superseded, 1904, 453 § 1. R. L. 100.
- 419 See 1908, 259. R. L. 165.
- 423 Superseded, 1909, 490 II § 44. (See 1905, 193 § 1.) R. L. 13.
- 430 Repealed, 1904, 335 § 3. (See 1903, 275; 1909, 514 § 32.) R. L. 72, 106, 208.
- 432 Superseded, 1906, 463 I §§ 2, 68. (See 1904, 429; 1906, 417.) R. L. 111.
- 433 In part superseded, 1906, 200. R. L. 42.
- 435 Superseded, 1909, 514 §§ 48, 145. (See 1908, 645.) R. L. 106.
- 438 § 1 affected, 1909, 67. R. L. 9.

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- 440 Superseded, 1906, 463 I §§ 29-45, 68. (See 1902, 298, 507; 1905, 408.) R. L. 111.
- 441 In part repealed, 1903, 437 §§ 27, 95. R. L. 109.
- 443 Superseded, 1909, 490 II §§ 61, 62. (See 1905, 325 § 2.) R. L. 13.
- 446 Superseded, 1909, 514 §§ 11, 145. (See 1904, 313 § 1.) R. L. 106.
- 449 Superseded, 1906, 463 III §§ 60-63, 158. (See 1906, 218.) R. L. 34, 112.
- 450 Superseded, 1909, 514 §§ 112, 145. (See 1906, 427; 1907, 193; 1908, 650.) R. L. 106.
- 453 § 2 amended, 1908, 304. R. L. 57.
- 454 Superseded, 1908, 426. R. L. 223.
- 457 Superseded, 1907, 534 § 2. R. L. 62.
- 458 Affected, 1905, 288. (See 1904, 448 §§ 3, 8; 1905, 249.) R. L. 128.
- 462 Superseded, 1904, 451 § 1. R. L. 165.
- 463 Repealed, 1906, 347 § 5. (See 1906, 66 § 1, 204 § 3; 1908, 590 § 4.) R. L. 115, 126.
- 471 Superseded, 1905, 157 §§ 3, 5; 1906, 460 § 2. R. L. 7.
- 473 Superseded, 1907, 563 §§ 6, 26; 1909, 527 §§ 3, 8. (See 1903, 276; 1907, 452; 1908, 624; 1909, 490 IV § 6.) R. L. 15.
- 474 Amended, 1904, 163. R. L. 145.
- 483 Superseded, 1908, 590 § 68; 1909, 491 § 8. (See 1904, 210; 1906, 204, 463 III §§ 147-149, 158.) R. L. 112, 113.
- 485 § 4 affected, 1906, 291. R. L. 100.
- 490 Superseded, 1906, 204 § 2; 1908, 590 § 3. R. L. 113.
- 492 Superseded, 1907, 560 §§ 93, 456. R. L. 11.
- 493 Superseded, 1905, 465 § 180. (See 1908, 604.) R. L. 16.
- 495 Superseded, 1909, 444. (See 1907, 321.) R. L. 89.
- 499 See 1904, 451 § 3; 1905, 380. R. L. 165.
- 505 § 2 in part superseded, 1907, 399. § 3 amended, 1903, 228. (See 1903, 249 § 1.) R. L. 76.
- 506 Superseded, 1907, 560 §§ 109, 456. (See 1904, 179.) R. L. 11.
- 507 In part repealed, 1906, 463 I §§ 44, 68. R. L. 111.
- 512 Superseded, 1907, 560 §§ 60, 456. R. L. 11.
- 513 Superseded, 1904, 451 § 3. (See 1908, 259.) R. L. 165.
- 521 See 1906, 258, 393. R. L. 48.
- 523 § 1 in part superseded, 1906, 109 § 2; 1908, 497. R. L. 4.
- 524 Affected, 1906, 291 § 4. R. L. 100.
- 530 Superseded, 1905, 157 §§ 2, 5. R. L. 7.
- 531 § 1 amended, 1906, 151. R. L. 65.
- 533 Superseded, 1906, 463 I §§ 23, 68. R. L. 111.
- 534 Limited, 1907, 573 § 17. § 6 amended, 1907, 258. (See 1904, 167.) R. L. 112.
- 537 Repealed, 1907, 560 § 456. (See 1903, 425, 426, 450, 453, 474; 1905, 386; 1906, 444.) R. L. 11.
- 539 See 1909, 310. R. L. 62.
- 542 Repealed, 1909, 504 § 107. (See 1905, 400.) R. L. 87.

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- 544 § 2 repealed, 1907, 560 § 456. R. L. 11. § 4 in part superseded, 1904, 451 § 1. § 11 amended, 1905, 190. (See 1903, 205; 1906, 314.) R. L. 91. § 13 superseded, 1906, 463 II §§ 193, 258. R. L. 111. § 14 superseded and §§ 15-19 repealed, 1903, 241. (See 1904, 206 § 1; 1906, 224 § 1; 1909, 115.) § 20 repealed, 1904, 206 § 2. R. L. 144. § 22 amended, 1904, 302. R. L. 154. § 32 affected, 1905, 279 § 3. R. L. 208. § 34; see 1903, 209 § 1. R. L. 220.

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- 96 § 1 amended, 1905, 127 § 1; 1907, 169 § 3. (See 1908, 116.) R. L. 145.
- 97 § 1 amended, 1909, 197. R. L. 157.
- 100 § 1 amended, 1904, 283. R. L. 102.
- 102 § 2 affected, 1904, 288 § 1. § 3 amended, 1904, 143 § 1. R. L. 19.
- 109 Repealed, 1907, 121. R. L. 6.
- 120 Superseded, 1905, 149; 1907, 139 § 2, 276. R. L. 6.
- 122 §§ 5, 7 amended, 1907, 66. § 10 amended, 1904, 332 § 1. R. L. 57.
- 134 Superseded, 1906, 463 III §§ 90, 158. R. L. 112.
- 137 See 1904, 451 § 3. R. L. 165.
- 143 Superseded, 1906, 463 III §§ 74, 158. (See 1905, 376 § 1.) R. L. 112.
- 151 § 1 superseded, 1905, 465 § 64. (See 1905, 202; 1908, 604.) R. L. 16.
- 157 Amended, 1909, 440 § 3; 1909, 490 I § 41. (See 1907, 576 § 19.) R. L. 12.
- 158 § 1; see 1905, 205. R. L. 28, 48.
- 161 Superseded, 1909, 490 I § 10. (See 1908, 499 § 5; 1909, 243.) R. L. 12.
- 162 Amended, 1905, 414; 1907, 99; 1909, 508 §§ 1, 3. (See 1903, 244.) R. L. 92.
- 171 § 1, see 1908, 195. R. L. 45.
- 173 Superseded, 1906, 463 I §§ 7, 68. (See 1904, 265; 1906, 266.) R. L. 111.
- 174 Superseded, 1907, 576 §§ 46, 122. R. L. 118.
- 179 Superseded, 1907, 323. R. L. 160.
- 202 Superseded, 1906, 463 III §§ 41, 158; 1907, 402. (See 1904, 441.) R. L. 112.
- 205 Superseded, 1909, 377. (See 1906, 263 § 1.) R. L. 91.
- 206 Superseded, 1908, 441. (See 1909, 272.) R. L. 92.
- 209 § 1 affected, 1906, 282 § 2; 1907, 251 § 1. §§ 2, 3 affected, 1907, 251 § 2. (See 1904, 224; 1906, 282 § 1.) R. L. 220.
- 212 § 1 affected, 1909, 295. R. L. 225.
- 214 § 2 in part superseded, 1904, 453 § 1, cl. G. R. L. 160.

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219	Amended, 1905, 289 § 2. R. L. 76.
220	§ 1 amended, 1909, 471, 476. § 2 amended, 1908, 329 § 6. R. L. 75.
222	Affected, 1907, 447. R. L. 148.
223	Superseded, 1907, 576 §§ 11, 122. (See 1905, 287.) R. L. 118.
226	§ 3 repealed, 1905, 169. (See 1904, 263.) R. L. 6.
229	§ 1, see 1908, 195. R. L. 18.
236	See 1904, 164. R. L. 217.
237	Amended, 1906, 117. R. L. 122.
241	§ 1 amended, 1906, 224 § 1. (See 1904, 206 § 1; 1909, 115.) R. L. 144.
245	Superseded, 1909, 396. (See 1905, 419; 1907, 307; 1908, 377; 1909, 362.) R. L. 92.
247	Superseded, 1905, 465 § 145. (See 1908, 604.) R. L. 16.
248	Superseded, 1907, 563 §§ 4, 26; 1909, 490 IV § 4; 527 §§ 3, 8. R. L. 15.
249	§ 1 amended, 1906, 503 § 1. § 4 amended, 1906, 503 § 2. § 8 amended, 1907, 314 § 1. (See 1906, 503 § 3.) § 9 amended, 1907, 314 § 2. R. L. 76.
251	Superseded, 1907, 563 §§ 7, 26; 1909, 490 IV § 5, 527 § 8. (See 1904, 421.) R. L. 6, 15.
253	Affected, 1906, 171. R. L. 32.
256	See 1908, 353. R. L. 204.
260	§ 1 amended, 1905, 124 § 1. R. L. 138.
274	Amended, 1907, 306. R. L. 91.
275	Repealed, 1904, 335; 1909, 504 §§ 32, 145. R. L. 72, 208.
276	Superseded, 1907, 563 §§ 6, 26; 1909, 527 § 8. (See 1907, 452; 1909, 490 IV § 6.) R. L. 15.
279	Superseded, 1907, 560 §§ 69-76. (See 1903, 474; 1904, 245, 294; 1905, 318; 1906, 291, 444; 1907, 387, 429.) R. L. 11.
280	§ 2 revised, 1904, 244 § 1. R. L. 47.
283	§ 1, see Res. 1905, 2. R. L. 6.
287	Amended, 1907, 250 § 1; 1909, 421 § 1. (See 1909, 362.) Affected, 1908, 484. R. L. 92.
291	Affected, 1905, 211 § 1. R. L. 9.
294	Superseded, 1904, 308. (See 1906, 239.) R. L. 91.
297	Superseded, 1906, 463 I §§ 62, 68. R. L. 111.
299	See 1904, 215. R. L. 38, 42.
301	Repealed, 1907, 550 § 13. R. L. 104.
305	§ 1 amended, 1906, 415 § 1. R. L. 29.
307	See 1909, 490 III § 26. R. L. 14.
318	Repealed, 1907, 560 § 456. (See 1907, 429 § 13.) R. L. 11.
320	Superseded, 1909, 514 §§ 25, 26, 145. (See 1908, 228.) R. L. 18, 19, 106.
321	Repealed, 1909, 504 § 107. R. L. 87.
330	§§ 1, 2, 3 amended, 1904, 220 §§ 1, 2, 3. Affected, 1906, 389. R. L. 46.



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- 331 § 1 amended, 1905, 205. R. L. 28, 48.
- 332 § 1 amended, 1909, 407. R. L. 119.
- 334 In part superseded, 1906, 489. § 1 amended, 1909, 181. (See 1904, 356; 1906, 501; 1907, 137, 158, 195.) R. L. 83, 160.
- 354 See 1906, 324. R. L. 225.
- 356 See 1904, 246. R. L. 75.
- 365 § 1 repealed, 1904, 433 § 3. (See 1904, 370 §§ 1-3; 1908, 185.) R. L. 108.
- 367 See 1906, 386; 1907, 180, 259; 1908, 307. R. L. 75.
- 368 Superseded, 1907, 560 §§ 217-228, 456. (See 1905, 313 § 1.) R. L. 11.
- 377 Superseded, 1905, 465 § 31. (See 1908, 604.) R. L. 16.
- 383 § 3 amended, 1907, 464. R. L. 49.
- 386 See 1904, 403; 1906, 523. R. L. 208.
- 387 Superseded, 1904, 381 § 3, cl. 4; 1909, 468 § 3, cl. 4, § 16. R. L. 79.
- 395 Superseded, 1905, 157 §§ 2, 5. R. L. 7.
- 400 Repealed, 1909, 504 § 107. (See 1904, 278; 1905, 458, 475; 1906, 471; 1909, 504 § 71.) R. L. 87.
- 402 Affected, 1909, 379. R. L. 84.
- 407 See 1909, 396. R. L. 92.
- 408 § 2 amended, 1905, 209 § 1. R. L. 57.
- 410 Superseded, 1909, 504 §§ 94, 107. R. L. 87.
- 412 § 2 in part superseded, 1904, 453 § 2. R. L. 160.
- 420 Superseded, 1909, 468 § 1. (See 1904, 381 § 1; 1907, 43.) R. L. 79.
- 421 Superseded, 1907, 576 §§ 7, 122. R. L. 118.
- 423 In part repealed, 1906, 463 II §§ 41, 258, III § 158. (See 1903, 437.) R. L. 109.
- 425 Repealed, 1907, 560 § 456. R. L. 11.
- 428 § 1 amended, 1909, 188. (See 1909, 453.) R. L. 108.
- 430 Superseded, 1907, 560 §§ 19, 456. (See 1904, 294 § 3; 1907, 429 § 3.) R. L. 11.
- 432 Repealed, 1907, 571 § 2. R. L. 65.
- 437 § 1, see 1909, 490 III § 39. § 2, see 1907, 414 § 2. § 3, see 1906, 433 § 4. § 5, see 1908, 163. § 7 amended, 1906, 286 § 1. §§ 9, 10, see 1906, 463 II §§ 29, 30, III §§ 10, 11; 1909, 267 § 2, 439 § 2. § 12, see 1907, 282; 1908, 382. §§ 14, 40, see 1905, 189. § 15, see 1906, 463 II § 45. §§ 17, 18, see 1906, 463 II §§ 31, 32, III §§ 12, 13; 1907, 282 § 1; 1908, 180. § 20 amended, 1904, 207. §§ 20-32, see 1906, 463 II §§ 33-44, III §§ 14-25. § 40, see 1908, 163, 534; 1909, 316, 477. § 42, see 1908, 534. § 45 *et seq.*, see 1907, 282, 329, 395, 586; 1908, 194; 1909, 441, 490 III §§ 40, 54, 55. § 47 amended, 1908, 300 § 1; 1909, 326. (See 1909, 490 III § 55.) §§ 48, 49 amended, 1909, 440 § 2. § 49 amended, 1906, 346 § 1. § 50, see 1907, 414 § 2. § 53 amended, 1905, 156. § 56 *et seq.*, see 1906, 269, 347, 372. § 58 amended, 1905, 242. (See 1906, 269, 372; 1907, 332; 1909, 490 III § 39.) § 59,

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- 450 Repealed, 1907, 560 §§ 166, 456. (See 1903, 453, 454.) R. L. 11.
- 453 Repealed, 1907, 560 § 456. R. L. 11.
- 454 Repealed, 1907, 560 § 456. (See 1903, 474 § 6; 1904, 41, 179, 293, 377; 1905, 386; 1907, 429 § 14.) R. L. 11.
- 455 § 1 amended, 1905, 218 § 2; 1907, 359; 1909, 174. R. L. 10.
- 456 Affected, 1904, 107, 234; 1906, 200; 1908, 427. R. L. 39, 41.
- 457 §§ 1, 2 superseded, 1905, 465 §§ 122, 123. (See 1904, 371; 1905, 391; 1908, 604.) R. L. 16.
- 459 Extended, 1909, 103 § 1. R. L. 25.
- 464 Superseded, 1909, 483 § 3. R. L. 58.
- 467 Amended, 1907, 208. (See 1908, 195.) R. L. 75.
- 471 § 1 in part repealed, 1904, 458 §§ 6, 7. R. L. 6, 79.
- 472 § 2 superseded, 1907, 286. § 3, see 1904, 451 § 3; 1906, 276; 1908, 259. R. L. 157, 165.
- 473 Repeal and substitute, 1909, 534. (See 1905, 311, 366; 1906, 353, 412; 1907, 203, 408, 494, 580; 1908, 263, 467, 642, 648.) R. L. 47, 52, 54, 102.
- 474 Repealed, 1907, 560 § 456. (See 1904, 293; 1905, 386; 1906, 291, 444.) R. L. 11.
- 475 Superseded, 1909, 514 §§ 86-90, 145. (See 1907, 537 § 5; 1908, 389.) R. L. 106, 108.
- 476 Superseded, 1906, 463 III §§ 43, 158. R. L. 112.
- 478 Superseded, 1906, 463 I §§ 37, 68. (See 1905, 408.) R. L. 111.
- 480 § 1, see 1905, 344; 1909, 319. R. L. 16.
- 481 Superseded, 1907, 356. (See 1908, 604.) R. L. 16.
- 484 §§ 2, 3 revised, 1906, 434 §§ 1, 2. § 4 repealed, 1906, 434 § 3. R. L. 6, 102.

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- 41 Repealed, 1907, 560 § 456. (See 1904, 179, 377.) R. L. 11.
- 59 Superseded, 1906, 463 II §§ 233, 258. (See 1905, 208.) R. L. 111.
- 87 § I amended, 1906, 126 § 1. R. L. 3.
- 88 Superseded, 1908, 507. R. L. 4.
- 96 Superseded, 1906, 463 I §§ 2, 68. R. L. 111.

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- 99 Superseded, 1909, 490 III § 2. (See 1906, 322; 1907, 564 § 2; 1909, 430 § 1.) R. L. 14.
- 108 Amended, 1909, 464 § 2. R. L. 47.
- 110 Superseded, 1906, 463 III §§ 80, 158. R. L. 112.
- 116 § 1 amended, 1905, 81. (See 1906, 239.) R. L. 91.
- 118 See 1906, 239. R. L. 91.
- 119 § 1 amended, 1909, 273 § 2. R. L. 24.
- 120 See 1908, 386. R. L. 212.
- 125 See 1907, 196. R. L. 25.
- 127 See 1904, 283. R. L. 102.
- 142 Amended, 1907, 241. R. L. 102.
- 152 § 1 amended, 1908, 290. R. L. 25.
- 153 See 1908, 250 § 2, 464 § 1, 594; 1909, 136, 148. R. L. 21, 27.
- 155 § 1 amended, 1909, 294. R. L. 119.
- 169 Superseded, 1906, 463 II §§ 256, 258. R. L. 111.
- 179 Repealed, 1907, 560 § 456. (See 1904, 377; 1905, 386 § 13; 1906, 444 § 1.) R. L. 11.
- 181 Amended, 1906, 271, § 11; 1909, 490, I § 93. R. L. 12.
- 183 See 1904, 450, 460 § 4. R. L. 102.
- 200 See 1908, 590 §§ 9, 10, 69. R. L. 116.
- 201 Superseded, 1907, 560, §§ 261, 456. R. L. 11.
- 207 Affected, 1905, 222. R. L. 109, 110.
- 208 Superseded, 1908, 590 § 68; 1909, 491 § 8. R. L. 113, 116.
- 209 See 1908, 474. R. L. 9.
- 210 Superseded, 1908, 590 § 68; 1909, 491 § 8. (See 1906, 463 III §§ 150, 158.) R. L. 113, 116.
- 217 § 1 amended, 1907, 73 § 1; 1907, 236, § 1. R. L. 146.
- 219 Amount increased, 1908, 319. R. L. 164.
- 220 Affected, 1906, 389; 1909, 472. R. L. 46.
- 224 In part superseded, 1906, 282; 1907, 251. R. L. 220, 223.
- 226 § 1 superseded, 1905, 465 § 153. (See 1906, 139; 1908, 604.) R. L. 16.
- 227 See 1907, 550. R. L. 104.
- 231 § 1 superseded, 1905, 465 § 83. § 3, see 1905, 465 § 84. (See 1908, 604.) R. L. 16.
- 240 Superseded, 1907, 576, §§ 60, 122. R. L. 118.
- 241 § 1 affected, 1905, 459. R. L. 225.
- 243 See 1905, 258, 355; 1906, 243. R. L. 225.
- 244 See 1908, 462. R. L. 47.
- 245 Repealed, 1907, 560 § 456. (See 1905, 318; 1906, 291, 444; 1907, 387.) R. L. 11.
- 248 See 1905, 211. R. L. 125.
- 257 Superseded, 1909, 504 §§ 103, 107. R. L. 87, 219.
- 261 § 1 amended, 1906, 271 § 12. (See 1904, 442; 1907, 586; 1909, 490 III § 43.) R. L. 12, 14.
- 263 See 1905, 169. R. L. 6.
- 265 Superseded, 1906, 463 I §§ 7, 68. (See 1906, 266.) R. L. 111.

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- 267 Superseded, 1906, 463 III §§ 102, 158. R. L. 112.
- 269 § 6 amended, 1905, 265 § 1. (See 1909, 469.) R. L. 91.
- 274 § 1 amended, 1905, 348 § 1. (See 1905, 344.) R. L. 30, 81.
- 275 Superseded, 1907, 560 §§ 121, 456. (See 1907, 429, § 5.) R. L. 11.
- 278 See 1905, 475 § 2; 1909, 504 § 69. R. L. 87.
- 281 Increase, 1908, 374. R. L. 164.
- 282 See 1907, 297; 1908, 270; 1909, 403, 469. R. L. 91.
- 286 § 1 amended, 1907, 442 § 3; 1909, 248. § 2 amended, 1906, 265 § 1. § 3 affected, 1908, 328; in part repealed, 1909, 331. (See 1904, 455 § 1.) R. L. 164.
- 287 Affected, 1907, 234. R. L. 165.
- 293 Repealed, 1907, 560 § 456. R. L. 11.
- 294 Superseded, 1907, 560 §§ 19, 456. (See 1907, 429 § 3.) R. L. 11.
- 300 Superseded, 1907, 576 §§ 43, 122. R. L. 118.
- 301 § 1 affected, 1905, 281 §§ 1, 2. R. L. 91.
- 304 Repealed, 1907, 576 § 122. R. L. 118.
- 307 Superseded, 1906, 257 § 1. R. L. 176.
- 308 Limited, 1906, 239 § 2. R. L. 91.
- 310 Superseded, 1907, 560 §§ 415, 422, 456. R. L. 11.
- 311 Superseded, 1909, 514 §§ 21, 145. R. L. 106.
- 313 Superseded, 1909, 514 §§ 11-14, 145. R. L. 106.
- 314 Limited, 1909, 453 § 2. § 2 amended, 1905, 243. (See 1906, 210 § 2.) R. L. 19, 106.
- 315 Superseded, 1909, 514 §§ 44, 145. R. L. 26, 106.
- 317 See 1904, 443 §§ 2, 6; 1905, 266, 390. R. L. 28, 48, 49.
- 318 See 1908, 185, 568. R. L. 108.
- 320 Repealed, 1909, 514 § 145. R. L. 167.
- 327 § 1, see 1907, 136. R. L. 25.
- 333 Affected, 1905, 383; 1907, 550. R. L. 104.
- 334 Superseded, 1909, 514 §§ 45, 145. (See 1907, 560 §§ 447, 456.) R. L. 11, 106.
- 335 Superseded, 1909, 514 §§ 31, 32, 145. (See 1907, 232 § 3.) R. L. 72, 208.
- 336 § 1 amended, 1905, 426 § 1. R. L. 101.
- 343 Superseded, 1909, 514 §§ 28, 29, 145. R. L. 106.
- 344 § 2 revised, 1905, 144 § 1. R. L. 25.
- 347 Superseded, 1909, 514 §§ 101, 145. R. L. 106.
- 348 See 1905, 110; 1906, 187. R. L. 165.
- 349 Superseded, 1909, 514 §§ 23, 145. R. L. 106.
- 350 § 1, see 1909, 184. R. L. 204.
- 353 In part superseded, 1906, 291 §§ 8, 10. R. L. 102, 108.
- 356 See 1906, 413, 489, 501; 1907, 137, 158, 195. R. L. 46, 83, 212.
- 357 Superseded, 1906, 463 I §§ 9, 10, 68. R. L. 111.
- 361 § 1 superseded, 1905, 465 §§ 90, 157; 468 § 1. (See 1905, 468 § 2; 1908, 604.) R. L. 16.
- 363 § 1, see 1905, 464. R. L. 225.
- 364 Repealed, 1905, 417 § 2. R. L. 25, 91.

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- 366 Repealed, 1907, 161. (See 1905, 406; 1906, 303; 1907, 166; 1908, 413; 1909, 466.) R. L. 92.
- 367 § 1, see 1906, 179 § 2; 1907, 198, 299; 1908, 255. R. L. 91.
- 368 See 1907, 550. R. L. 104.
- 370 §§ 1-4 revised, and new sections added, 1905, 280. Amended, 1908, 502. R. L. 32, 102.
- 371 § 1 superseded, 1905, 465 § 112. (See 1905, 391; 1908, 604.) R. L. 16.
- 372 § 2, see 1904, 453 § 1; 1906, 248. R. L. 160.
- 373 Superseded, 1906, 463 II §§ 117-121, 158. R. L. 112.
- 374 § 3 superseded, 1906, 204 §§ 5-7. (See 1908, 590 § 4.) §§ 3-6, see 1909, 491 §§ 2, 3. § 7 superseded, 1908, 520 §§ 8, 9. (See 1905, 331 § 1; 1906, 204; 1909, 342.) R. L. 116.
- 375 Superseded, 1907, 560 §§ 326-329, 333, 456. R. L. 11.
- 377 Repealed, 1905, 386 § 18. (See 1907, 560.) R. L. 11.
- 380 Repealed, 1907, 560 § 456. R. L. 11.
- 381 Superseded, 1909, 468. (See 1907, 43, 354; 1908, 405.) R. L. 79.
- 382 See 1908, 389. R. L. 108.
- 383 § 1 amended, 1905, 260 § 1. R. L. 40.
- 385 Superseded, 1909, 490 I § 12. R. L. 12.
- 386 § 1 superseded, 1906, 416 § 1. R. L. 128.
- 387 Amount increased, 1909, 363. R. L. 164.
- 388 See 1907, 66. R. L. 89.
- 392 Affected, 1906, 204. R. L. 113, 114.
- 395 § 1 amended, 1909, 391 § 1. (See 1906, 225, 365; 1907, 183, 386; 1908, 598; 1909, 292, 380.) R. L. 75, 84.
- 396 In part superseded, 1906, 463 I § 66, III §§ 85, 158. (See 1908, 495.) R. L. 112, 209.
- 397 Superseded, 1909, 514 §§ 47, 145. (See 1906, 284, § 2.) R. L. 106.
- 399 Superseded, 1909, 514, §§ 10, 145. R. L. 106.
- 401 § 1 extended, 1905, 92 § 1. § 2 affected, 1906, 59. (See 1908, 110 § 2.) R. L. 164.
- 403 See 1906, 523 § 1. R. L. 12.
- 409 § 1 amended, 1907, 473 § 1; 1909, 263 § 1. § 3 amended, 1905, 211 § 1. § 6 amended, 1907, 473 § 2. Affected, 1907, 475 §§ 1, 4, 8; 1908, 209 §§ 3, 4, 478. (See 1909, 214, 452.) R. L. 28, 89.
- 410 Amended, 1908, 462 § 3. R. L. 9.
- 414 Superseded, 1909, 436. (See 1908, 460.) R. L. 89.
- 421 Superseded, 1907, 563 §§ 7, 26; 1908, 624; 1909, 527 § 8. (See 1909, 490 IV § 7.) R. L. 15.
- 427 Affected, 1906, 204; 1908, 590 §§ 4-6. R. L. 113, 117.
- 429 Superseded, 1906, 463 I §§ 3, 68. R. L. 111.
- 430 Age limit, 1906, 522; 1907, 451; 1908, 375. (See 1908, 389.) R. L. 108.
- 432 Superseded, 1909, 514 §§ 59, 145. (See 1905, 213; 1906, 284; 1907, 224.) R. L. 106.
- 433 § 1 in part repealed, 1905, 247 § 2, 461 § 2. (§ 2, see 1908, 389; 1909, 432.) R. L. 108.



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- 439 Superseded, 1905, 465 § 14. (See 1908, 604.) R. L. 16.
- 440 Superseded, 1907, 139 § 2. R. L. 6.
- 441 Superseded, 1906, 463 III §§ 41, 158; 1907, 402. R. L. 112.
- 442 § 1 superseded, 1909, 490 I § 84. Amended, 1909, 440 § 2. § 2 superseded, 1909, 490 III § 46. (See 1907, 395; 1908, 220.) R. L. 14.
- 443 Extended, 1905, 390. (See 1905, 266.) R. L. 25, 28, 48.
- 446 § 1 amended, 1907, 226. § 9 superseded, 1909, 497. § 13 amended, 1905, 128. R. L. 83, 87.
- 448 § 1, see 1906, 50, 344. § 3, see 1905, 249 § 5, 288. § 6, see 1905, 195. § 9 amended, 1905, 286. § 10 amended, 1905, 249 § 1. § 11 added, 1905, 291. (See 1905, 249 § 4, 296.) R. L. 128.
- 450 §§ 1, 3, 4 affected, 1906, 105 § 1; 1908, 335. § 2 superseded, 1905, 342 § 1. (See 1904, 460 § 4; 1908, 385 § 2.) § 4, see 1905, 176; 1908, 381. § 7 repealed, 1905, 342 § 3. § 8, see 1906, 105 § 2. § 10, see 1906, 105 § 4. § 15, see 1905, 341 § 1; 1907, 274; 1908, 385 § 2. R. L. 102.
- 451 § 1, cl. C, amended, 1905, 179. Cl. I amended, 1906, 290 § 1. § 3 in part superseded, 1905, 380; 1907, 145 § 2, 253; 1909, 232. (See 1902, 499 § 1; 1906, 276 § 1; 1908, 259; 1909, 398.) R. L. 20, 21, 165.
- 453 Affected, 1905, 339. § 1, Cl. B and C amended, 1906, 165. Cl. C and D amended, 1908, 323. Cl. D and E affected, 1909, 357. Cl. E amended, 1906, 325 § 1. Cl. F amended, 1906, 325 § 2; 1907, 128 § 1. Cl. H amended, 1905, 443 § 1; 1907, 128 § 2. (See 1905, 133, 192.) Cl. I amended, 1905, 443 § 2; 1907, 128 § 3. (See 1906, 351.) § 2 repealed, 1907, 128 § 4. § 6, see 1905, 339 § 2. R. L. 160.
- 454 § 1 in part superseded, 1906, 449 § 1, 450 § 1. (See 1909, 434.) R. L. 160.
- 455 § 1 amended, 1906, 265 § 1; 1907, 207 § 1, 442 §§ 4, 5. (See 1908, 110 § 2.) R. L. 164.
- 458 § 5, see 1909, 49. R. L. 165.
- 459 Superseded, 1909, 504 §§ 29, 41, 48. (See 1905, 447.) R. L. 87.
- 460 § 1 superseded, 1908, 385 § 2; 1909, 189. § 2 affected, 1908, 333, 343; 1909, 420. § 4 superseded, 1908, 385 § 2. (See 1905, 341 § 1; 1907, 274 § 1; 1908, 335.) § 5 amended, 1907, 309; 1909, 254. R. L. 98, 102.

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- 73 Superseded, 1908, 477; 1909, 309. (See 1906, 482 § 1.) R. L. 92.
- 80 Superseded, 1906, 463 III §§ 4, 5, 158. R. L. 112.
- 81 See 1906, 239. R. L. 91.
- 92 See 1906, 59. R. L. 164.
- 110 Superseded, 1906, 187; 1909, 235. (See 1906, 180.) R. L. 165, 217.
- 111 Superseded, 1907, 560 §§ 247, 456. R. L. 11.

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- 115 See 1909, 208. R. L. 81.
- 122 See 1908, 441. R. L. 92.
- 127 § 1 amended, 1907, 169 § 3. (See 1908, 116.) R. L. 145.
- 134 Repealed, 1906, 463 III §§ 86, 158. R. L. 112.
- 149 Superseded, 1907, 139 § 2, 276. R. L. 6.
- 150 See 1907, 458. R. L. 19.
- 154 Amended, 1908, 342. R. L. 10.
- 155 In part superseded, 1907, 401. R. L. 89.
- 157 § 3 superseded, 1906, 460 § 2. R. L. 7.
- 159 Superseded, 1907, 474 §§ 1, 15. R. L. 87, 89.
- 163 Amount increased, 1908, 349. R. L. 21.
- 175 Superseded, 1909, 504 §§ 95, 96. (See 1908, 195.) R. L. 87.
- 176 Extended, 1905, 437. Superseded, 1908, 566. (See 1909, 281.) R. L. 104.
- 190 Superseded, 1909, 377. R. L. 91.
- 191 Superseded, 1907, 576 §§ 102, 122. R. L. 118.
- 193 Superseded, 1909, 490 II § 44. R. L. 13.
- 202 Repealed and superseded, 1908, 317, 604 § 174. (See 1905, 465 § 157.) R. L. 16.
- 204 Superseded, 1907, 571 § 1. (See 1908, 208.) R. L. 65.
- 208 Superseded, 1906, 463 II §§ 234, 258. R. L. 111.
- 210 Superseded, 1906, 463 II §§ 233, 258. R. L. 111.
- 211 §§ 1, 6 *et seq.*, see 1906, 235 § 1. § 3 superseded, 1907, 139 § 1. (See 1908, 195, 414.) § 4 amended, 1908, 630. § 5, see 1908, 597 §§ 4, 5. R. L. 6, 75.
- 213 Superseded, 1909, 514 §§ 59, 145. (See 1905, 267 § 2; 1907, 224 § 1.) R. L. 106.
- 216 § 1 superseded, 1906, 275 § 1. R. L. 125.
- 218 § 1 amended, 1909, 174. § 2 amended, 1907, 359; 1909, 174. R. L. 10.
- 231 Superseded, 1909, 514 §§ 55, 145. (See 1908, 547.) R. L. 106, 224.
- 235 Affected, 1909, 295. R. L. 225.
- 236 § 1 amended, 1906, 305 § 1. R. L. 75.
- 238 Superseded, 1909, 514 §§ 106, 145. (See 1907, 537 § 5.) R. L. 106.
- 242 See 1906, 269, 372. R. L. 126, 167.
- 243 § 1, see 1906, 210 § 2. R. L. 19, 108.
- 247 See 1905, 461. R. L. 108.
- 249 See 1905, 288; 1906, 50, 344. R. L. 128.
- 250 Superseded, 1908, 590 § 68; 1909, 491 § 8. R. L. 113.
- 251 §§ 1, 2 amended, 1907, 480 § 1. R. L. 75.
- 263 § 2 amended, 1909, 33. R. L. 156, 157.
- 265 See 1909, 469. R. L. 91.
- 267 Superseded, 1909, 514 §§ 56, 145. (See 1906, 284, 499; 1907, 224.) R. L. 106.
- 273 See 1906, 274, 301. R. L. 92.
- 279 § 1 revised, 1908, 297 § 1. § 3 amended, 1908, 297 § 2. (See 1908, 296 § 4.) R. L. 47, 53.

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- 280 Amended, 1908, 502. R. L. 102.
- 282 Superseded, 1908, 629; 1909, 504 § 1. R. L. 87.
- 287 Superseded, 1907, 576 §§ 11, 122. R. L. 118.
- 289 § 1 superseded, 1909, 301. (See 1908, 294 § 2.) R. L. 76.
- 295 Amended, 1906, 329; 1907, 261. R. L. 217.
- 298 §§ 1, 2 superseded, 1905, 465 § 120; 1906, 469 § 1, 504 § 9; 1907, 526 § 11. (See 1908, 604.) R. L. 16.
- 304 Superseded, 1909, 514 §§ 115-118, 145. R. L. 106.
- 307 Repealed, 1907, 563 § 26. Re-enacted, 1908, 104 § 2. (See 1905, 338; 1906, 501; 1909, 180.) R. L. 212, 220.
- 308 Superseded, 1909, 514 §§ 121-123, 145. (See 1906, 390; 1908, 605 §§ 7, 8; 1909, 317.) R. L. 106, 189.
- 310 § 2 superseded, 1907, 373 § 2. (See 1906, 387, 414; 1907, 465; 1908, 563.) R. L. 102, 105.
- 311 Repeal and substitute, 1909, 534. (See 1905, 366; 1906, 353, 412; 1907, 203, 408, 494, 580; 1908, 263, 467, 642, 648.) R. L. 47, 52, 54, 102.
- 313 Superseded, 1907, 560 §§ 226, 227, 456. R. L. 11.
- 317 § 1 amended, 1908, 402 § 1. § 2 amended, 1908, 402 § 2; 1909, 262. (See 1907, 198.) R. L. 92, 102.
- 318 Superseded, 1907, 560 §§ 73, 418. (See 1906, 291 § 18, 444 § 12; 1907, 387.) R. L. 11.
- 320 § 1 amended, 1906, 383. R. L. 44.
- 323 See 1909, 494. R. L. 164.
- 325 Superseded, 1909, 490 II §§ 59, 61, 76. (See 1908, 226.) R. L. 13.
- 326 Affected, 1906, 224; 1909, 115. R. L. 144.
- 330 § 2 amended, 1908, 269. (See 1909, 504 § 22.) R. L. 87, 175.
- 331 Superseded, 1908, 520 §§ 8, 9. R. L. 116.
- 332 Superseded, 1907, 231. R. L. 21.
- 338 Affected, 1906, 501 § 3. (See 1908, 104.) R. L. 220.
- 341 Superseded, 1908, 385 § 2. (See 1907, 274; 1908, 335.) R. L. 102.
- 342 § 1 amended, 1906, 105 § 1; 1908, 335. R. L. 104.
- 344 See 1905, 348. R. L. 30, 81.
- 354 Superseded, 1909, 504 §§ 49, 107. R. L. 87.
- 355 See 1906, 243, 302; 1908, 230. R. L. 223, 225.
- 366 Superseded, 1909, 534 §§ 17, 31. (See 1906, 353, 412; 1908, 263, 467.) R. L. 25, 47, 52.
- 367 In part repealed, 1907, 563 §§ 6, 26; 1909, 527 §§ 7, 8. (See 1908, 624; 1909, 490 IV § 6.) R. L. 15.
- 369 § 1 amended, 1908, 434. (See 1907, 466; 1908, 178; 1909, 218, 514, § 15.) R. L. 6.
- 370 § 1; see 1907, 340 § 2; 1908, 590 § 57. § 2 superseded, 1909, 204 § 1. (See 1908, 288.) R. L. 201.
- 376 Superseded, 1906, 463 III §§ 74, 158. (See 1906, 339.) R. L. 112.
- 377 Superseded, 1906, 345. R. L. 65.
- 380 See 1908, 259. R. L. 165.

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- 381 Affected, 1907, 521. § 2 superseded, 1909, 263 § 2. § 3 amended, 1906, 268 § 1; 1908, 591 § 1. §§ 3-6, 9, 11 in part superseded, 1909, 263 § 2. § 4 revised, 1906, 268 § 2; 1907, 521 § 1. § 5 amended, 1906, 268 § 3; 1907, 521 § 2. § 6 amended, 1906, 268 § 4; 1908, 591 § 2. § 7 amended, 1906, 268 § 5; 1907, 521 § 3. § 11 amended, 1906, 268 § 6. § 12 amended, 1907, 521 § 4. R. L. 28, 75, 89, 101.
- 383 See 1907, 550. R. L. 104.
- 386 Repealed, 1907, 560 § 456. (See 1905, 397; 1906, 298.) R. L. 11.
- 391 § 1 superseded, 1905, 465 § 112. (See 1908, 604.) R. L. 16.
- 397 Repealed, 1907, 560 § 456. (See 1906, 444.) R. L. 11.
- 400 Superseded, 1909, 504 §§ 14, 107. (See 1906, 316.) R. L. 87.
- 401 Superseded, 1907, 576 §§ 32, 122. R. L. 118.
- 406 Superseded, 1908, 441. (See 1906, 303; 1907, 161; 1909, 272.) R. L. 92.
- 407 Affected, 1908, 417. R. L. 91.
- 408 Superseded, 1906, 463 I §§ 32, 36, 37. R. L. 111.
- 410 § 4 amended, 1906, 411 § 1; 1908, 486. R. L. 34.
- 413 See 1907, 335. R. L. 217.
- 414 Amended, 1907, 99; 1909, 508 §§ 1, 3. (See 1909, 262.) R. L. 92.
- 418 See 1908, 187 § 2. R. L. 102.
- 419 Superseded, 1909, 396. (See 1907, 307; 1908, 377; 1909, 362.) R. L. 92.
- 428 Affected, 1908, 493. § 1 superseded, 1907, 377 § 1. (See 1906, 408 § 1.) § 2 amended, 1906, 408 § 2. § 5 repealed, 1909, 287 § 1, 450. (See 1906, 408 § 3; 1907, 377 § 7.) R. L. 70, 109, 111, 115.
- 432 Superseded, 1909, 504 §§ 45, 46. R. L. 87.
- 435 Superseded, 1909, 504 § 75. R. L. 87.
- 436 See 1909, 504 §§ 7, 11, 33. R. L. 87.
- 437 Superseded, 1908, 566. (See 1909, 281.) R. L. 104.
- 443 § 1 amended, 1907, 128 § 2. § 2 amended, 1907, 128 § 3. R. L. 160.
- 445 Superseded, 1908, 330. (See 1907, 300.) R. L. 92.
- 447 Superseded, 1909, 504 § 29. R. L. 87.
- 458 Superseded, 1909, 504 §§ 71-74. R. L. 87.
- 459 See 1906, 293. R. L. 225.
- 465 Repealed, 1908, 604 § 209 and revised by 1908, 604. (See 1906, 198, 212, 273, 373, 423, 469, 504; 1907, 232 § 4, 305, 356, 526; 1908, 315, 317, 344, 354, 371, 434.)
- 468 See 1908, 604 § 174. R. L. 16.
- 470 Superseded, 1907, 563 §§ 1, 26; 1909, 490 IV § 1, 527 §§ 1, 8. (See 1906, 436 § 1; 1907, 452; 1908, 624.) R. L. 15.
- 472 § 1, see 1906, 387; 1907, 465 §§ 1, 14. § 2, see 1907, 465 §§ 10, 11, 19. § 3, see 1907, 465 § 28, 537 § 5; 1908, 389, 563. R. L. 105, 108.
- 474 Affected, 1909, 250. R. L. 81, 84, 85.
- 475 Superseded, 1909, 504 § 49. (See 1906, 471 § 1.) R. L. 87.

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- 66 § 1 affected, 1906, 204 § 3, 347; 1908, 590 § 9. (See 1909, 491.)  
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- 67 See 1907, 225. R. L. 22.
- 73 § 1 amended, 1907, 236 § 1. R. L. 146.
- 76 Superseded, 1907, 560 §§ 348, 456. R. L. 11.
- 105 § 1, see 1908, 335. R. L. 104.
- 107 Superseded, 1907, 355. R. L. 102.
- 116 § 3 amended, 1908, 435 § 1. § 4 repealed, 1908, 435 § 2. R. L. 56,  
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- 120 Amended, 1908, 525 § 1. (See 1906, 281; 1909, 261 § 5.) R. L. 76,  
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- 141 See 1909, 362. R. L. 92.
- 159 Amended, 1907, 344. R. L. 19.
- 165 § 1 superseded, 1908, 150. (See 1907, 410 § 1.) § 2 amended, 1907,  
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- 172 § 2 amended, 1908, 350 § 1, 583. R. L. 211, 214.
- 173 § 2 amended, 1908, 350, 583. R. L. 211, 214.
- 175 Affected, 1909, 115. R. L. 144.
- 179 Repealed, 1908, 488 § 3. R. L. 91.
- 180 See 1909, 235. R. L. 217.
- 184 Superseded, 1909, 504 § 5. R. L. 87.
- 185 See 1907, 363; 1908, 133; 1909, 302. R. L. 212.
- 187 Limited, 1909, 235. R. L. 217.
- 190 Amended, 1906, 291 § 4. (See 1906, 384.) R. L. 102.
- 195 Repeal and substitute, 1908, 348. R. L. 160.
- 198 Superseded, 1908, 604 § 170. (See 1907, 232 § 4; 1908, 354.)  
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- 200 § 1 amended, 1908, 427. R. L. 42.
- 204 Superseded, 1908, 590 §§ 2-7, 69. (See 1906, 347, 377; 1908, 414,  
520 §§ 10-13; 1909, 419.) R. L. 113, 114, 115.
- 210 § 1 amended, 1907, 272. R. L. 19, 108.
- 212 Superseded, 1908, 604 §§ 95-97. (See 1906, 504 § 6; 1907, 305  
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- 215 See 1907, 394. R. L. 62.
- 218 See 1906, 463 III § 60. R. L. 34.
- 219 § 2, see 1909, 160. R. L. 187.
- 223 Amended, 1909, 237 § 1. (See 1907, 490 § 1.) R. L. 197.
- 224 See 1909, 115. R. L. 144.
- 225 Superseded, 1906, 365 § 1. (See 1907, 183, 386.) R. L. 75.
- 235 See 1908, 195. R. L. 6.
- 239 See 1908, 492. R. L. 91.
- 241 Amended, 1909, 328. R. L. 92.
- 243 See 1906, 302. R. L. 225.
- 250 Superseded, 1909, 514 §§ 102, 145. (See 1907, 537.) R. L. 106.



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- 263 Superseded, 1909, 377. R. L. 91.
- 266 Superseded, 1906, 463 I § 7, III § 158. Extended, 1908, 599. R. L. 111.
- 267 Superseded, 1906, 463 I § 6, III § 158. R. L. 111.
- 268 In part superseded, 1909, 263. § 2 superseded, 1907, 521 § 1. § 3 amended, 1907, 521 § 2; 1908, 591, § 1. § 4 amended 1908, 591 § 2. § 5 amended, 1907, 521 § 3. R. L. 25, 26, 101.
- 271 § 1 superseded, 1909, 490 III § 4. (See 1906, 516; 1908, 468.) § 2 superseded, 1909, 490 III § 19. § 3 superseded, 1909, 490 III § 21. (See 1907, 246; 1909, 342.) § 4 superseded, 1909, 490 III § 22. (See 1909, 342 § 2.) § 5 superseded, 1909, 490 III § 24. § 6 superseded, 1909, 490 III § 34. § 7 repealed, 1907, 576 § 122. § 8, see 1909, 490 III § 35. § 9, see 1909, 490 III § 43. § 10 superseded, 1909, 490 III § 37. (See 1909, 490 III § 57.) § 11 superseded, 1909, 490 I § 93. § 12, see 1909, 490 III § 43. (See 1906, 516 § 21; 1908, 586.) § 13, see 1909, 490 III § 57. R. L. 12, 14, 111.
- 273 Superseded, 1908, 604 § 20. R. L. 16.
- 274 See 1909, 421. R. L. 92.
- 276 See 1908, 259. R. L. 165.
- 281 § 2 amended, 1909, 261 § 2. (See 1907, 140, 190, 308.) R. L. 76, 100.
- 282 § 1 superseded, 1907, 251 § 1. R. L. 225.
- 283 Superseded, 1906, 463 II §§ 169, 258. R. L. 111.
- 284 Superseded, 1909, 514 §§ 56, 145. (See 1907, 224.) R. L. 106.
- 288 See 1907, 297; 1908, 270; 1909, 403, 469. R. L. 91.
- 291 § 2 in part repealed, 1909, 387 § 2. § 4 amended, 1907, 214. (See 1906, 384.) § 10 amended, 1909, 221. § 13 amended, 1909, 311. § 18 amended, 1907, 387. (See 1906, 444 § 12.) R. L. 11, 100, 102.
- 296 Repealed, 1909, 371 § 10. (See 1907, 79; 1908, 481; 1909, 371 §§ 2, 6.) R. L. 9, 107.
- 298 Superseded, 1907, 560 §§ 352, 456. R. L. 11.
- 301 Superseded, 1909, 421. R. L. 92.
- 302 See 1908, 230. R. L. 225.
- 303 Superseded, 1908, 441. (See 1909, 272, 422.) R. L. 92.
- 309 Superseded, 1907, 489; 1909, 504, § 65. (See 1906, 508.) R. L. 87.
- 311 Superseded, 1907, 560 §§ 311, 456. R. L. 11.
- 313 Superseded, 1909, 504 §§ 14, 107. R. L. 87.
- 314 Superseded, 1909, 377. R. L. 91.
- 315 Superseded, 1909, 490 I § 5. (See 1906, 481; 1907, 367.) R. L. 12.
- 316 Superseded, 1909, 504 §§ 54, 107. R. L. 87.
- 322 Superseded, 1909, 490 III § 2. (See 1907, 564 § 2; 1908, 550 § 1; 1909, 430 § 1.) R. L. 14.
- 323 See 1909, 521. R. L. 62.
- 324 See 1909, 504 § 103. R. L. 85, 87.

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- 325 § 2 amended, 1907, 128 § 1. R. L. 160.
- 329 Amended, 1907, 261. R. L. 217.
- 334 See 1909, 526. R. L. 76.
- 339 Superseded, 1906, 463 III §§ 76, 158. R. L. 112.
- 341 See 1908, 598. R. L. 84.
- 342 § 3 affected, 1908, 177. (See 1908, 516; 1909, 236.) R. L. 173.
- 347 See 1908, 590 §§ 4-17. R. L. 115.
- 349 Superseded, 1909, 490 III § 70. R. L. 14.
- 352 Superseded, 1909, 504 § 58. (See 1907, 432.) R. L. 87.
- 353 Repealed, 1909, 534 § 31. (See 1906, 412; 1907, 494, 580; 1908, 263, 648.) R. L. 47, 53, 54, 102.
- 365 § 1 amended, 1907, 445. (See 1907, 183, 386, 474; 1909, 391.) R. L. 75.
- 369 See 1909, 514 § 15. R. L. 6.
- 370 Superseded, 1909, 514 §§ 128, 145. (See 1908, 380, 457.) R. L. 106.
- 371 § 1 amended, 1907, 215. R. L. 44.
- 372 See 1909, 490 II § 81, III § 58. R. L. 13.
- 373 Superseded, 1908, 604 § 103. R. L. 16.
- 377 Superseded, 1908, 590 §§ 16, 69; 1909, 491 § 4. (See 1907, 533.) R. L. 113, 115.
- 385 Amended, § 9 added, 1907, 173. § 2, see 1909, 371 § 2. R. L. 83, 84, 107.
- 386 §§ 1, 2 superseded, 1907, 259 §§ 1, 3. §§ 3-6, see 1907, 259 § 2; 1908, 307. § 4 amended, 1909, 375 § 2. (See 1907, 180; 1908, 525.) R. L. 75, 213.
- 387 See 1906, 521, 522; 1907, 373, 465; 1908, 563. R. L. 105.
- 389 See 1906, 413, 489. R. L. 46, 86.
- 390 Superseded 1909, 514 §§ 121-126. (See 1908, 605 §§ 7, 8; 1909, 317.) R. L. 102, 189.
- 392 See 1908, 529 § 4, 524; 1909, 477. R. L. 110, 121.
- 396 Superseded, 1907, 576 §§ 32, 122. R. L. 118.
- 398 Superseded, 1909, 283. R. L. 21.
- 399 § 1 amended, 1907, 213. R. L. 39, 42.
- 403 See 1907, 494. R. L. 212.
- 408 Affected, 1908, 493. § 1 revised, 1907, 377 § 1. § 3 revised, 1909, 287 § 2, 450. R. L. 70, 111.
- 411 Affected, 1908, 486. R. L. 34.
- 412 Repeal and substitute, 1909, 534. (See 1907, 203; 408, 494, 580; 1908, 263, 467, 642, 648.) R. L. 25, 52, 54, 102.
- 413 In part superseded, 1906, 489 § 4. Affected, 1907, 137, 158, 195; 1908, 286. § 8, see 1907, 223, 362, 411 § 14, see 1908, 465 §§ 2, 3, 6, 637. R. L. 40, 160, 204, 217.
- 414 Superseded, 1907, 373 § 2. (See 1906, 522.) R. L. 102, 105.
- 417 See 1906, 463 I §§ 2, 69. R. L. 111.
- 418 Superseded, 1909, 504 § 32. R. L. 87.
- 421 § 4 amended, 1907, 517 § 2. R. L. 100.
- 423 Superseded, 1908, 604 §§ 92-95. (See 1907, 526 § 1.) R. L. 16.

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- 425 § 1 amended, 1907, 364. R. L. 75.
- 427 Superseded, 1909, 514 §§ 112, 145. (See 1907, 193; 1908, 650.) R. L. 106.
- 435 Superseded, 1909, 514 §§ 1-8. (See 1907, 135; 1908, 306, 462, 485; 1909, 371.) R. L. 107.
- 436 Superseded, 1907, 563 §§ 1, 26; 1909, 490 IV § 1; 527 §§ 1, 8. (See 1907, 452; 1908, 624.) R. L. 15.
- 437 Repealed, 1908, 534 § 2. (See 1909, 477.) R. L. 110, 121.
- 444 Repealed, 1907, 560 § 456. (See 1907, 429.) R. L. 11.
- 451 Amended, 1907, 176 § 1. R. L. 173.
- 460 § 1 affected, 1909, 276. R. L. 7.
- 463 I § 1 affected, 1907, 425. § 5, see 1908, 552 § 1. §§ 5-20, see 1909, 490 III § 49. § 6, see 1908, 495. § 7 extended, 1908, 599. § 9 amended, 1909, 343. § 20, see 1909, 502 §§ 1, 2. § 23 amended, 1908, 542 § 1; 1909, 47 § 1. §§ 23-28, see 1908, 266 § 5, 372 § 1, 552. § 25 amended, 1908, 542 § 2. §§ 29, 36 affected, 1908, 372 § 2; 1909, 429. § 37 amended, 1908, 390 § 1. § 39 amended, 1908, 390 § 2. § 43 amended, 1909, 358. §§ 46-48, see 1909, 514 § 135. § 47, see 1909, 502 § 1. §§ 48-56, see 1909, 485. § 58, see 1908, 552. § 63 amended, 1907, 392 § 1. (See 1907, 428 § 4.) § 65, see 1908, 636 §§ 1, 3; 1909, 369. § 67 amended, 1907, 585 § 7. § 68, see 1906, 463 II §§ 22, 45-58, 60, 147, 155, 156, 173-176, 516 § 12; 1907, 428; 1909, 485. II 48-56, see 1909, 485. §§ 48, 57, 65, 66, see 1908, 620, 636; 1909, 369. § 116 amended, 1907, 315. § 148, see 1907, 377, 431 § 3. § 167 superseded, 1909, 514 §§ 143, 145. (See 1908, 553.) § 173 superseded, 1909, 348. § 180, see 1908, 495. § 181, see 1907, 287; 1908, 504. § 183 superseded, 1908, 649. § 209 amended, 1907, 585 § 8. §§ 211, 212, 216 amended, 1909, 440 § 2. (See 1907, 395; 1908, 220.) § 214 amended, 1909, 513 § 1. § 234 amended, 1909, 233. § 247, see 1907, 431. III § 7 amended, 1909, 417 § 1. (See 1908, 266; 1909, 417 § 6.) § 13 amended, 1909, 417 § 5. § 41 superseded, 1907, 402. (See 1902, 288; 1908, 278.) §§ 46, 64, 65, see 1908, 266, 301. § 64 amended, 1909, 417 § 2. (See 1909, 417 § 6.) § 65 amended, 1909, 417 § 3. (See 1909, 417 § 6.) § 68, see 1907, 574 § 6. § 70 amended, 1909, 417 § 4. (See 1909, 417 § 6.) § 77, see 1908, 266 § 79, 552. § 99 superseded, 1908, 530. (See 1906, 479.) §§ 103-107, see 1908, 636; 1909, 369, 485. § 108, see 1908, 620; 1909, 485. §§ 110-112, see 1908, 636; 1909, 369, 485. § 125 amended, 1909, 502 § 3. (See 1907, 395.) §§ 125, 126 amended, 1909, 440 § 2. §§ 125-137, see 1908, 220, 615; 1909, 439 § 1, 490 III §§ 39-51. § 128 amended, 1909, 513 § 2. § 129, see 1909, 490 III § 45. § 130 amended 1909, 502 § 4. § 137 amended, 1907, 318. (See 1906, 516 § 11; 1907, 428, 585.) §§ 147-150 superseded, 1908, 590 §§ 68, 69; 1909, 491 § 8. R. L. 111, 112, 113.
- 468 See 1908, 418, 440; 1909, 434. R. L. 160.

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- 469 Superseded, 1908, 604 § 140. (See 1906, 504 § 9; 1907, 526 § 11.) R. L. 16.
- 471 Superseded, 1909, 504 § 49. R. L. 87.
- 472 Superseded, 1909, 504 § 105. (See 1909, 274.) R. L. 87, 225.
- 477 See 1909, 469. R. L. 91.
- 479 Superseded, 1908, 530. R. L. 112.
- 482 Superseded, 1908, 477; 1909, 309. R. L. 92.
- 489 Affected, 1907, 137, 195; 1908, 637. § 3, see 1908, 458. § 4, see 1907, 411. § 7, see 1908, 286; 1909, 181. R. L. 46, 160.
- 493 Superseded, 1909, 490 I § 5. R. L. 12.
- 494 § 1 amended, 1907, 170 § 1. R. L. 7.
- 499 Superseded, 1909, 514 §§ 61-65, 145. R. L. 46, 106.
- 501 § 1 amended, 1909, 180. § 3, see 1908, 104. R. L. 153, 212, 220.
- 502 § 6 amended, 1908, 189. § 7 repealed, 1908, 412. R. L. 39, 42.
- 503 See 1907, 314. R. L. 76.
- 504 Superseded, 1908, 604. (See 1907, 305 § 7, 526 §§ 7-14; 1908, 195, 315, 371, 469.) R. L. 16.
- 505 § 1 superseded, 1909, 457. (See 1908, 572, 639; 1909, 472.) § 5 revised, 1909, 540. R. L. 42, 86.
- 508 Affected, 1907, 421. §§ 1-8, 12-17 repealed, 1909, 504 § 107. (See 1907, 489; 1909, 504 §§ 14, 59-65.) R. L. 87.
- 516 Extended, 1907, 556 § 1. § 6 amended, 1907, 428 § 1. § 7 amended, 1907, 428 § 2; 1908, 450. § 12 amended, 1907, 428 § 3. § 13 amended, 1907, 428 § 4. §§ 14, 15, 20 amended, 1909, 440 § 2. §§ 14-25, see 1909, 490 III §§ 39-51. § 17 amended, 1909, 513, § 3. § 20 amended, 1909, 440 § 2; affected, 1908, 614; 1909, 490 III § 64. § 28 (new) added, 1907, 448. R. L. 14, 111, 112.
- 517 Superseded, 1909, 514 §§ 37-40, 145. (See 1907, 269 § 1, 570; 1908, 547.) R. L. 106.
- 521 § 1, see 1907, 465 § 4. §§ 2, 3 superseded, 1907, 465 §§ 16, 28. (See 1908, 563.) R. L. 105.
- 522 § 1 amended, 1909, 410. Affected, 1907, 451, 465 § 25; 1908, 375. (See 1907, 482; 1908, 563.) R. L. 105, 108.

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- 43 See 1909, 468 § 1. R. L. 79.
- 54 §§ 1, 2 superseded, 1908, 536 §§ 1, 2; 1909, 483 § 8. R. L. 58, 121.
- 79 Repealed and superseded, 1909, 371 §§ 2, 10. (See 1908, 462, 481 § 1.) R. L. 107.
- 99 Amended, 1909, 508 §§ 1; 3. (See 1909, 422.) R. L. 92.
- 117 § 1 amended, 1908, 142 § 1. § 2 amended, 1908, 142 § 2. R. L. 25, 26.
- 118 See 1907, 250; 1908, 484; 1909, 362. R. L. 92.
- 133 § 1, see 1907, 312. R. L. 165.
- 135 § 1 superseded, 1909, 514 § 7. (See 1908, 485 § 6; 1909, 371 § 2.) R. L. 106, 107.

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- 137 See 1907, 158, 195. R. L. 46, 160.
- 139 Construed, 1908, 638. § 1, see 1908, 414, 597 §§ 1, 5. § 2 amended, 1907, 276. R. L. 6.
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## **The Commonwealth of Massachusetts.**

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OFFICE OF THE SECRETARY, BOSTON, September 4, 1909.

I certify that the acts and resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns.

I further certify that the table of changes in general laws has been prepared, and is printed as an appendix to this edition of the laws, by direction of the governor, in accordance with the provisions of section 1 of chapter 9 of the Revised Laws.

WILLIAM M. OLIN,  
*Secretary of the Commonwealth.*





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